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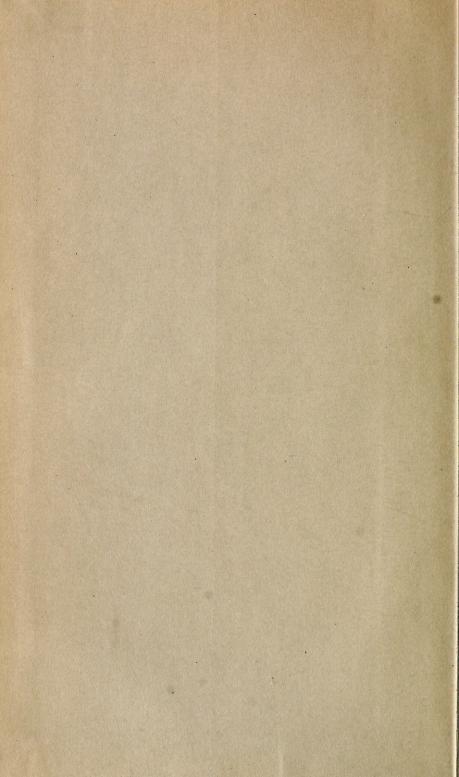
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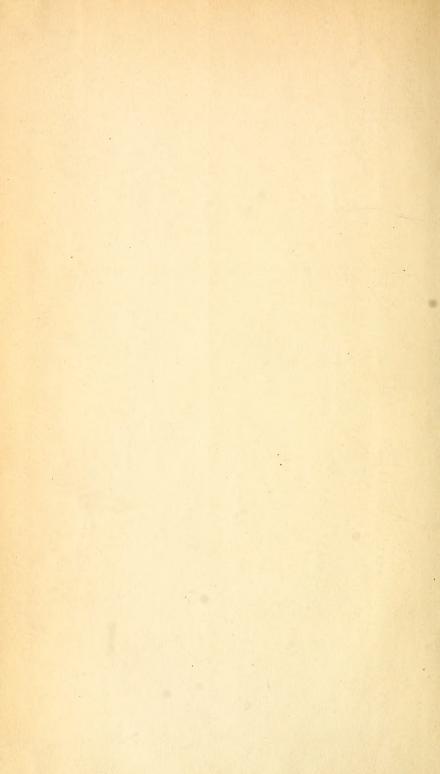
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## ERRATUM.

In Appendix, in Roll of the members of the House, substitute the name R. H. BALLARD for W. H. BARRETT, as deceased.

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# JOURNAL

OF THE

# HOUSE OF REPRESENTATIVES

OF THE

# GENERAL ASSEMBLY

OF THE

# STATE OF NORTH CAROLINA,

AT ITS

SESSION OF 1874-'75.

## RALEIGH:

JOSIAH TURNER, PUBLIC PRINTER AND BINDER. 1875. 30196 0328.1 N87 1874-75

# JOURNAL

OF THE

# HOUSE OF REPRESENTATIVES,

SESSION 1874-'75.

Service Control

## FIRST DAY.

Monday, November 16th, 1874.

At a meeting of the General Assembly for the State of North Carolina, begun and held in the City of Raleigh, on the third Monday in November, Anno Domini one thousand eight hundred and seventy-four, the day appointed by law, the House of Representatives was called to order by Stephen D. Pool, Clerk of the late House.

A call of counties being made, the members elect therefrom appeared, and were duly qualified by Wesley Whitaker, Esq.

Alamance-James E. Boyd.

Alexander-John M. Carson.

Alleghany-William C. Fields.

Anson-William E. Smith.

Ashe-Squire Trivett.

Beaufort and Pamlico-W. A. Thompson.

Bertie-William T. Ward.

Bladen-John Newell.

Brunswick-John N. Bennett.

Buncombe-W. G. Candler and Mont. Patton.

Burke-S. McD. Tate.

Cabarrus-Paul B. Means.

Camden-Francis N. Mullen.

Caswell-Wilson Cary and Thomas S. Harrison.

Catawba-S. M. Finger.

Chatham-John M. Moring and O. A. Hanner.

Cherokee and Graham-M. C. King.

Clay-John O. Hicks.

Cleaveland-Allen Bettis.

Columbus—V. V. Richardson.

Craven-John Good and Edward H. Hill.

Cumberland-James C. McRae.

Currituck-James M. Woodhouse.

Davidson-Marshall H. Pinnix and S. A. Mock.

Davie-Charles Anderson.

Duplin-Adolphus G. Moseley.

Edgecombe-Willis Bunn and W. T. Godwin.

Gaston-William A. Stowe.

Granville-Hanson T. Hughes and William Crews.

Greene-Travis E. Hooker.

Guilford-John N. Staples and Nereus Mendenhall.

Harnett-John A. Spears.

Haywood-F. M. Davis.

Henderson—James Blythe.

Hertford—Solomon Parker.

Hyde-Asa J. Smith.

Iredell-A. F. Gaither and A. C. Sharpe.

Jackson-E. D. Davis.

Johnston-E. J. Holt and E. A. Bizzell.

Lenoir—Jacob F. Parrott.

Lincoln-W. A. Thompson.

/ Macon—James L. Robinson.

Madison-H. A. Gudger.

Martin-John R. Mizell.

McDowell—Alfred M. Erwin.

Mecklenburg-J. Sol. Reid and J. L. Jetton.

Mitchell-Moses Young.

Montgomery-Elias Hurley.

Moore-A. A. McIver.

Nash-William T. Griffin.

New Hanover-Henry Brewington, Will. H. Moore and Alfred Lloyd.

Onslow -John W. Shackelford.

Orange-Matthew Atwater and Jos. W. Latta.

Perquimans-John Q. A. Wood.

Polk-John Garrison.

Robeson-R. M. Norment and Neill McNeill.

Rockingham-W. N. Mebane and J. S. Johnson.

Rowan-James S. McCubbins.

Rutherford-Eli Whisnant.

Sampson-William H. Bryan.

Stanly-Archibald C. Freeman.

Stokes-Thomas Martin.

Surry-William Haymore.

Swain-T. D. Bryson.

Transylvania-Thomas L. Gash.

Tyrrell-W. W. Walker.

Union-Lemuel Presson.

Wake—George V. Strong, M. W. Page, Leonidas D. Stephenson and M. Whitley.

Warren-H. W. Carter and William H. Williams.

Washington-G. B. Wiley.

Watauga--L. L. Green.

Wayne-I. F. Dortch and J. W. Isler.

Wilkes-Thomas J. Dula and J. H. Foote.

Yancey- W. W. Proffitt.

Richman - Fit Walker

The Clerk announced that the first business in order was the election of Speaker.

James L. Robinson, of Macon, was placed in nomination by V. V. Richardson, and W. H. Wheeler, of Forsythe, by Mr. Dula.

Messrs. Richardson and Dula were appointed to superintend the election.

The following gentlemen voted for Mr. Robinson:

Messrs. Anderson, Atwater, Bennett, Bettis, Bizzell, Blythe, Bryan, Bryson, Candler, Carson, Davis of Haywood, Davis of Jackson, Dortch, Erwin, Fields, Finger, Freeman, Garrison, Gash, Green, Griffin, Gudger, Hanner, Harrison, Haymore, Holt, Hooker, Hurley, Isler, Jessup, Jetton, Johnson, Latta, Martin, McCubbins, McIver, McNeill, McRae, Means, Mebane, Mendenhall, Mitchell, Mizell, Mock, Moore, Moring, Moseley, Mullen, Norment, Page, Parrott, Patton, Pinnix, Presson, Proffitt, Reid, Richardson, Shackelford, Sharpe, Smith of Anson, Smith of Hyde, Spears, Staples, Stephenson, Stowe, Strong, Tate, Thompson of Lincoln, Trivett, Walker of Tyrrell, Wheeler, Whitley, Wiley, Woodhouse and Young—75.

The following named gentlemen voted for Mr. Wheeler:

Messrs. Barnett, Boyd, Brewington, Bunn, Carter, Cary, Dula, Foote, Godwin, Good, Hill, Hughes, Lloyd, Newell, Parker, Robinson, Ward, Whisnant, Williams and Wood—20.

Mr. Robinson having received a majority of all the votes was declared elected.

On motion of Mr. Tate, Messrs. McRae and Dula conducted the Speaker to the chair, who, upon assuming the duties of the office, addressed the House as follows:

# Gentlemen of the House of Representatives:

We are assembled here to-day as the chosen representatives of the free people of North Carolina. To foster and promote the highest interest of our whole people should be the purpose of every man on the floor of this Hall. North Carolina, if left free from outside influences, has indicated by the popular voice of her yeomanry, in August last, her unmistakable purpose to place herself by the side of her sister States who have declared so recently in thunder tones against the excess and corruptions in the land, growing out of the unnatural state of affairs through which we have been passing for the past several

years. She has spoken in favor of law, order and reform; and while our people are honestly pledged to the fullest liberty to the citizen in the enjoyment of every political right, more than one hundred thousand of North Carolina's sons stand ready to rebuke at the ballot-box the prospective national legislation which would overturn at once all those regulations and customs which society has established for its protection and happiness, and which have the sanction of nearly one hundred years' experience.

The grand and glorious protest of millions of our countrymen in the November elections against usurpations, and the recognition and support of usurpations, and the recognition and support of usurpers by the Federal authority, will do much to place the liberties of the American people on a broader and more stable foundation. And while this is so, gentlemen, let us not forget in the hour of party triumph "that he that conquereth himself is greater than he that taketh a city;" and while the blood may course more freely during a heated canvass than is its wont, we must remember that we owe it to the good name of our Commonwealth, and as the representatives of quiet, law-loving constituencies, to enact such laws as will give the amplest protection to the person and property of every citizen of our State.

In the dispatch of the public business much depends on your presiding officer. For his guidance and the government of your body certain principles of law and the usages of parliamentary bodies have grown into settled rules of practice which have for their prime object, "accuracy in business, economy in time, order, uniformity and impartiality."

It shall be my constant endeavor, by an impartial enforcement of your rules, to attain these objects; to watch that the rights of the minority are not wrested from them, and that they are protected against those irregularities and abuses which wantonness of power are too apt to suggest to large and successful majorities.

If I should fail to express my appreciation of the distin-

guished compliment which your honorable body has paid me' I should be regarded as ungrateful. But, gentlemen, along with the feelings of gratitude and pride which your action has inspired, comes the consciousness of the weighty responsibility which attaches to it. I thank you for this mark of confidence, and though distrusting my qualifications for the position, accept the trust and rely upon you for your assistance and co-

I now declare this House ready to proceed to its further organization.

On motion of Mr. Gudger, leave of absence till Saturday next was granted Mr. Dula.

On motion of Mr. Stowe, the House adjourned till tomorrow morning 10 o'clock.

### SECOND DAY.

Tuesday, November 17th, 1874.

The House was called to order by the Speaker at  $10\frac{1}{2}$  o'clock. The Journal of yesterday was read, amended and approved. The following named members elect appeared and were qualified:

From Carteret—Appleton Oaksmith.

Caldwell—Matthias A. Barnhardt.

Cumberland—James McD. Jessup.

Dare—John B. Etheridge.

Duplin—William B. Mills.

Gates—R. H. Ballard.

Halifax—John A. White,

Northampton—R. J. Walden.

Pasquotank—W. J. Munden.

Randolph—Hugh T. Moffitt and A. H. Kendall.

From Rowan—George M. Bernheardt.
Sampson—James I. McCallop.

When Mr. Oaksmith presented his credentials, objection to his qualification was made by Mr. Tate.

The Speaker decided that Mr. Oaksmith's credentials were regular, and that the examination of the objection urged more properly belonged to the appropriate committee of the House, at a later day.

Leave of absence for five days from to-morrow was granted to Mr. Barnett, of Person.

Mr. Wheeler announced that Mr. Glenn, member elect from Yadkin, was detained at his home by sickness.

On motion of Mr. Moring, a message was sent to the Senate informing that honorable body that the House having organized, was prepared for the transaction of business.

On motion of Mr. Hanner, a message was sent to the Senate proposing to compare the vote for Superintendent of Public Instruction, in joint session, at 12 M. to-day, in accordance with law.

A message was received from the Senate announcing the organization of that body by the election of R. F. Armfield, of Iredell, President; Johnstone Jones, of Mecklenburg, Principal Clerk, and P. H. Winston, Jr., of Bertie, Assistant Clerk, and J. W. Morris, Doorkeeper, and is now ready for the transaction of business.

Mr. Blythe moved that a message be sent to the Senate proposing a joint committee of five on the part of the House and three on the part of the Senate, to wait upon His Excellency, the Governor, to inform him of the organization of the two Houses, and that the General Assembly is now ready to receive any communication he may see fit to make.

Pending the consideration of this motion, a message was received from the Senate announcing that the Senate had proposed to raise a joint select committee for the same purpose, and that Messrs. Morehead, LeGrand and Cantwell were con

stituted the Senate branch of the committee. The proposition was concurred in, and the Speaker announced Messrs. Blythe, Richardson, Means, Erwin and Barnett as the House branch of the committee.

On motion of Mr. Mebane, the Rules of Order of the last House of Representatives were adopted for the present government of the House, and a committee of five were appointed to prepare rules for the present House.

The Speaker announced the following Committee on Rules: Messrs. Mebane, Strong, Candler, Gudger and Carson.

A message was received from the Senate concurring in the proposition to count the vote for Superintendent of Public Instruction at 12 M., and announcing that the Senate would proceed in a body at 12 M. to the hall of the House of Representatives for that purpose.

Mr. Means, from the committee to wait on the Governor, reported that duty performed, and that His Excellency would send in a communication at 12 M. to-morrow.

The Speaker announced that the business in order was the election of a Principal Clerk, and that nominations were in order.

Mr. McRae placed in nomination the name of John D. Cameron, of Orange.

The following gentlemen voted for Mr. Cameron:

Mr. Speaker, Messrs. Anderson, Atwater, Ballard, Barnett, Barnhardt of Caldwell, Bernheardt of Rowan, Barrett, Bennett, Bettis, Bizzell, Blythe, Bryan, Bryson, Candler, Carson, Davis of Haywood, Davis of Jackson, Dortch, Eatman, Erwin, Field, Finger, Freeman, Gaither, Garrison, Gash, Green, Griffin, Hanner, Harrison, Haymore, Hicks, Holt, Hooker, Hurley, Isler, Jessup, Jetton, Johnson, Kendall, King, Latta, Martin, McCallop, McCubbins, McIver, McNeill, McRae, Means, Mebane, Mendenhall, Mitchell, Mizell, Mock, Moffitt, Moring, Moseley, Mullen, Norment, Oaksmith, Page, Parker, Parrott, Patton, Pinnix, Presson, Proffitt, Reid, Richardson, Shackelford, Sharpe, Smith of Anson, Smith of Hyde, Spears,

Staples, Staton, Stephenson, Stowe, Strong, Tate, Thompson of Beaufort, Thompson of Lincoln, Trivett, Walden, Walker of Tyrrell, Ward, Wells, Whisnant, Whitley, Wiley, Wood and Woodhouse—94.

The Speaker announced that Mr. Cameron had received a majority of all the votes cast and was elected Principal Clerk.

The Speaker announced the election of Assistant Clerk as the next business, and that nominations were in order.

Mr. Hanner nominated W. M. Hardy, of Buncombe. The following named gentlemen voted for Mr. Hardy:

Mr. Speaker, Messrs. Anderson, Atwater, Ballard, Barnett, Barnhardt of Caldwell, Bernheardt of Rowan, Barrett, Bennett, Bettis, Bizzell, Blythe, Boyd, Bryan, Bryson, Candler, Carson, Cary, Davis of Haywood, Davis of Jackson, Dortch, Dula, Eatman, Erwin, Etheridge, Field, Finger, Foote, Freeman, Gaither, Garrison, Gash, Green, Griffin, Gudger, Hanner, Harrison, Haymore, Hicks, Holt, Hooker, Hurley, Isler, Jessup, Jetton, Johnson, Kendall, King, Latta, Martin, McCallop, McCubbins, McIver, McNeill, McRae, Means, Mebane, Mendenhall, Mizell, Mock, Moffitt, Moring, Moseley, Mullen, Munden, Norment, Oaksmith, Page, Parker, Parrott, Patton, Pinnix, Presson, Proffitt, Reid, Richardson, Shackelford, Sharpe, Smith of Anson, Smith of Hyde, Spears, Staples, Staton, Stephenson, Stowe, Strong, Thompson of Beaufort, Thompson of Lincoln, Trivett, Walker of Tyrrell, Wells, Wheeler, Whisnant, Whitley, Wiley, Wood, Woodhouse and Young—98.

The Speaker announced that Mr. Hardy had received a majority of all the votes cast and that he was elected.

#### JOINT SESSION.

The hour of 12 having arrived, being the hour designated for the joint session to count the vote cast at the election in August last for Superintendent of Public Instruction, the members of the Senate, preceded by their President, entered the Hall of the House of Representatives and were seated.

The Speaker of the House opened the returns from the counties named, and announced the following results:

	FOR S. D. POOL.	FOR T. R. PURNELL.
Alamance,	1,099	921
Alexander,	581	92
Alleghany,	408	78
Anson,	1,165	1,037
Ashe,	730	350
Beaufort,	1,561	1,188
Bertie,	982	1,327
Bladen,	1,206	1,365
Brunswick,	1,007	939
Buncombe,	1,165	280
Burke,	815	407
Cabarrus,	1,141	732
Caldwell,	840	94
Camden,	627	483
Carteret,	828	678
Caswell,	1,162	1,468
Catawba,	1,251	194
Chatham,	1,804	1,468
Cherokee,	396	217
Chowan,	591	761
Clay,	329	73
Cleaveland,	1,148	294
Columbus,	1,311	768
Craven,	1,146	3,322
Currituck,	745	335
Cumberland,	2,165	1,968
Dare,	229	231
Davidson,	1,413	1,210
Davie,	838	591
Duplin,	1,790	953
Edgecombe,	1,142	3,401
Forsythe,	1,080	1,118

	FOR S. D. POOL.	FOR T. R. PURNELL.
Franklin,		The government with Long
Gaston,	864	370
Gates,	758	412
Graham,	174	17
Granville,	2,294	2,575
Greene,	821	874
Guilford,	1,603	1,505
Halifax,	1,389	3,555
Harnett,	904	674
Haywood,	771	129
Henderson,	396	326
Hertford,	873	829
Hyde,	712	513
Iredell,	1,622	806
Jackson,	649	86
Johnston,	1,892	1,186
Jones,	538	664
Lenoir,	1,055	1,189
Lincoln,	906	340
Macon,	664	42
Madison,	534	219
Martin,	1,234	1,319
McDowell,	729	209
Mecklenburg,	2,435	1,727
Mitchell,	342	239
Montgomery,	361	342
Moore,	1,078	515
Nash,	1,402	1,281
New Hanover,	2,598	3,748
Northampton,	1,019	1,890
Onslow,	962	345
Orange,	1,825	1,261
Pamlico,	537	365
Pasquotank,	763	1,017
Perquimans,	670	803

	FOR S. D. POOL.	FOR T. R. PURNELL.
Person,	885	760
Pitt,	1,930	1,799
Polk,	214	234
Randolph,	1,227	1,078
Richmond,	1,217	1,194
Robeson,	1,829	1,688
Rockingham,	1,564	918
Rowan,	1,557	800
Rutherford,	734	794
Sampson,	1,880	1,363
Stanly,	635	97
Stokes,	655	81
Surry,	1,003	755
Swain,	338	14
Transylvania,	209	30
Tyrrell,	370	193
Union,	1,055	212
Wake,	19, at modern and the	TOTAL DATE OF THE STATE OF THE
Warren,	978	2,293
Washington,	546	785
Watauga,	491	67
Wayne,	2,021	1,796
Wilkes,	820	955
Wilson,	1,413	1,129
Yadkin,	725	719
Yancey,	635	152
	92,928	78,907

The Speaker stated that the returns from the county of Henderson were certified by the Chairman and Board of County Commissioners of said county.

Mr. Patton, of Buncombe, moved that the late Sheriff of Henderson be allowed to make his return at once to the Speaker of the House, which motion was agreed to. Mr. Graham, Senator from Lincoln and Catawba, introduced the following resolution in regard to the missing returns from the counties of Wake and Franklin:

WHEREAS, The Sheriffs of the counties of Wake and Franklin have failed to make proper returns of the vote for Superintendent of Public Instruction; and whereas, the vote of those counties will not alter the result,

Resolved, That the returns now in possession of this Joint Session of the vote for Superintendent of Public Instruction be published, and that the person having the highest number of votes for that office be declared duly elected.

The resolution was unanimously adopted, and the Principal Clerks of the Joint Assembly submitted the following report, which was read and adopted:

In canvassing the returns made for Superintendent of Public Instruction, in accordance with the order of the Joint Assembly, we find there were cast for Stephen D. Pool 92,928 votes, and for Thomas R. Purnell 78,907 votes.

JOHNSTONE JONES, P. C. S. J. D. CAMERON, P. C. H. R.

The Speaker of the House announced the result of the election for Superintendent of Public Instruction in conformity to the foregoing returns, and Stephen D. Pool was declared duly elected.

On motion, the Joint Session adjourned, and the House of Representatives resumed its duties.

The Speaker announced the election of Doorkeeper in order.
Mr. Pinnix nominated John H. Hill, of Randolph, and Mr.
Lloyd nominated J. H. Brown, of New Hanover.

The following gentlemen voted for Mr. Hill:

Mr. Speaker, Messrs. Anderson, Atwater, Ballard, Barnett, Barnhardt of Caldwell, Bernheardt of Rowan, Barrett, Bennett, Bettis, Bizzell, Boyd, Bryan, Bryson, Candler, Carson, Davis of Haywood, Davis of Jackson, Dortch, Eatman, Field, Finger, Foote, Freeman, Gaither, Garrison, Gash, Green, Griffin, Gudger, Hanner, Harrison, Haymore, Hicks, Holt, Hooker, Hurley, Isler, Jessup, Jetton, Johnson, Kendall, King, Latta, Martin, McCallop, McCubbins, McIver, McNeill, McRae, Mebane, Mendenhall, Mizell, Mock, Moffitt, Moring, Moseley, Mullen, Munden, Norment, Oaksmith, Page, Parker, Parrott, Patton, Pinnix, Presson, Proffitt, Reid, Shackelford, Sharpe, Smith of Anson, Smith of Hyde, Spears, Staples, Staton, Stephenson, Stowe, Strong, Tate, Thompson of Beaufort, Thompson of Lincoln, Trivett, Walker of Tyrrell, Ward, Wells, Whisnant, Whitley, Wiley, Wood, Woodhouse and Young—92.

The following gentlemen voted for Mr. Brown:

Messrs. Brewington, Bunn, Carter, Crews, Good, Hill, Lloyd, Moore, Newell, Walden, White and Williams—12.

The Speaker announced that Mr. Hill had received a majority of the votes east, and was elected.

The Speaker announced that the election of Assistant Door-keeper was next in order.

Mr. Erwin nominated J. P. Norton, of McDowell, and Mr. Brewington nominated J. H. Brown, of New Hanover.

The following gentlemen voted for Mr. Norton:

Mr. Speaker, Messrs. Anderson, Atwater, Ballard, Barnhardt of Caldwell, Bernheardt of Rowan, Barrett, Bennett, Bettis, Bizzell, Boyd, Bryan, Bryson, Candler, Carson, Davis of Haywood, Davis of Jackson, Dortch, Eatman, Erwin, Field, Finger, Fcote, Freeman, Gaither, Garrison, Gash, Green, Griffin, Gudger, Hanner, Harrison, Haymore, Hicks, Hooker, Hurley, Isler, Jessup, Jetton, Johnson, Kendall, King, Latta, Martin, McCallop, McCubbins, McIver, McNeill, McRae, Means, Mebane, Mendenhall, Mock, Moffitt, Moring, Moseley, Mullen, Munden, Oaksmith, Page, Parrott, Patton, Pinnix, Presson, Proffitt, Reid, Richardson, Sharpe, Smith of Anson, Smith of Hyde, Spears, Staples, Staton, Stephenson, Stowe, Strong, Tate, Thompson of Beaufort, Thompson of Lincoln,

Walker of Tyrrell, Wells, Whisnant, Whitley, Wiley, Wood, Woodhouse and Young—86.

The following gentlemen voted for Mr. Brown:

Messrs. Brewington, Bunn, Carter, Cary, Crews, Good, Hill, Lloyd, Moore, Newell, White and Williams—12.

The Speaker declared Mr. Norton elected.

The Speaker announced the election of an Engrossing Clerk as the next business.

Mr. Means nominated Mr. Warren J. Barrett, of Lenoir.

The following gentlemen voted for Mr. Barrett:

Mr. Speaker, Messrs. Anderson, Atwater, Ballard, Barnhardt of Caldwell, Bernheardt of Rowan, Barrett, Bennett, Bettis, Bizzell, Blythe, Boyd, Bryan, Bryson, Candler, Carson, Davis of Haywood, Davis of Jackson, Dortch, Eatman, Erwin, Etheridge, Field, Finger, Freeman, Gaither, Garrison, Gash, Good, Green, Griffin, Gudger, Hanner, Harrison, Haymore, Hicks, Hooker, Hurley, Isler, Jessup, Jetton, Johnson, Kendall, King, Latta, Martin, McCallop, McCubbins, McIver, McNeill, McRae, Means, Mebane, Mendenhall, Mock, Moffitt, Moring, Moseley, Mullen, Norment, Oaksmith, Page, Parker, Parrott, Patton, Pinnix, Presson, Proffitt, Reid, Richardson, Smith of Anson, Smith of Hyde, Spears, Staples, Staton, Stephenson, Stowe, Strong, Tate, Thompson of Beaufort, Thompson of Lincoln, Walker of Tyrrell, Ward, Whisnant, Whitley, Wiley, Wood, Woodhouse and Young—89.

The Speaker announced that Mr. Barrett had received a majority of all the votes cast, and that he was duly elected.

Mr. Mendenhall introduced a resolution of inquiry into expenditures of the State Government, which was adopted and ordered to be engrossed.

Mr. Pinnix introduced a bill in relation to usury. Placed on calendar.

On motion of Mr. Presson, the House adjourned until tomorrow at 10½ A. M.

### THIRD DAY.

WEDNESDAY, November 18th, 1874.

Pursuant to the adjournment of the previous day, the House was called to order at 10:30 A. M., Mr. Speaker Robinson in the chair.

The Journal of yesterday was read, amended and approved. Messrs. Platt D. Walker, of Richmond, Richard Elliott, of Chowan, and John A. Jones, of Halifax, members elect, appeared at the Clerk's desk, presented their certificates of election, and were duly qualified.

### RECEPTION OF PETITIONS, &C.

Mr. Thompson, of Beaufort, presented a petition from the Board of Commissioners and citizens of Beaufort county, praying that the time for the settlement of the sheriff of the county with the Public Treasurer for State taxes, be extended until the first Monday in February, 1875.

The petition took its place upon the calendar.

#### REPORTS OF STANDING COMMITTEES.

Mr. Shackelford, from the Committee on Engrossed Bills, reported the correct engrossment of House Resolution No. 1, in relation to obtaining certain information from the Auditor's office. The engrossed copy was ordered to be transmitted to the Senate.

#### INTRODUCTION OF RESOLUTIONS.

By Mr. Trivett: A resolution in relation to the Civil Rights Bill. Placed on the calendar.

By Mr. Blythe: A resolution extending the time for sheriffs and tax collectors to pay over the county taxes. Calendar.

#### INTRODUCTION OF BILLS.

The following bills were introduced and disposed of, as follows:

By Mr. Staples: A bill to amend chapter 181, laws of 1872, entitled "An Act for Amnesty and Pardon." Referred to the Judiciary Committee.

By Mr. Dortch: A bill to prevent usury. Placed on the calendar.

By Mr. Means: A bill for the more effectual prosecution of offenders against the criminal laws of the State. Referred to the Judiciary Committee.

By Mr. Means: A bill to amend Title 9, chapter 4, Code of Civil Procedure. Referred to the Judiciary Committee.

By Mr. Means: A bill to enforce the performance of contracts. Referred to the Judiciary Committee.

By Mr. Boyd: A bill to amend chapter 181, laws of 1872-'73. Placed on the calendar.

By Mr. Moore: A bill to protect laborers. Referred to the Committee on Agriculture and Mining.

By Mr. Walker, of Tyrrell: A bill for the better protection of the county bridge across Scuppernong river at Columbia, Tyrrell county. Referred to the Committee on Counties, Cities, Towns and Townships.

By Mr. Moring: A bill to fix per diem of officers and members of the General Assembly. Placed on the calendar.

By Mr. Wood: A bill to repeal chapter 62, laws of 1873-'74. Referred to the Judiciary Committee.

By Mr. Mizell: A bill for the relief of the sureties of the late sheriff of Martin county. Placed on the calendar.

At the expiration of the morning hour, the Speaker announced the following gentlemen as composing the Committee on Engrossed Bills: Messrs. Shackelford, Finger, Trivett, Jetton and King.

On motion of Mr. Moring, a message was sent to the Senate proposing to go at once into an election of an Enrolling Clerk.

Mr. Moring moved to take from the calendar his bill in relation to per diem and pass it its several readings under a suspension of the rules. The motion was not agreed to.

A message was received from the Senate concurring in the proposition to go into the election of Enrolling Clerk, and designating Messrs. Marler and Holton as superintendents of the election on the part of the Senate; also informing the House that D. P. Mast was in nomination, and that the Senate would vote on return of the messenger.

The Speaker appointed Messrs. Moring and Foote to superintend the election on the part of the House. Nominations being announced in order, Mr. Mebane nominated D. P. Mast, of Forsythe.

Mr. Munden nominated J. W. Wood, of Pasquotank. The vote was had, and after the canvass of the result of the joint ballot, Mr. Moring reported to the House the whole number of the votes cast to be 149, necessary to a choice 75, and that Mr. Mast had received 130; Mr. Wood 19. Mr. Mast was declared duly elected.

The following is the ballot of the House Enrolling Clerk. The following gentlemen voted for Mr. Mast:

Mr. Speaker, Messrs. Anderson, Atwater, Ballard, Barnhardt of Caldwell, Bernheardt of Rowan, Barrett, Bennett, Bettis, Bizzell, Blythe, Boyd, Bayan, Bryson, Candler, Carson, Davis of Haywood, Davis of Jackson, Dortch, Eatman, Erwin, Field, Finger, Foote, Freeman, Gaither, Garrison, Gash, Green, Griffin, Gudger, Hanner, Harrison, Haymore, Hicks, Holt, Hooker, Hurley, Isler, Jessup, Jetton, Johnson, Kendall, King, Latta, Martin, McCallop, McCubbins, McIver, McNeill, McRae, Means, Mebane, Mendenhall, Mizell, Mock, Moffitt, Moring, Moseley, Mullen, Norment, Oaksmith, Page, Parrott, Patton, Pinnix, Presson, Proffitt, Reid, Richardson, Shackelford, Sharp, Smith of Anson, Smith of Hyde, Spears, Staples, Staton, Stephenson, Stowe, Strong. Thompson, of Beaufort, Thompson of Lincoln, Trivett, Walker of Rich-

mond, Walker of Tyrrell, Wells, Wheeler, Whitley, Wiley, Woodhouse and Young-91.

The following gentlemen voted for Mr. Wood:

Messrs. Brewington, Bunn, Carter, Cary, Crews, Good, Goodwin, Hill, Hughes, Jones, Lloyd, Moore, Munden, Newell, Walden, White and Wood—17.

On motion, Mr. Johnston was granted a leave of absence for three days.

At 12 M. the Principal Doorkeeper announced a message from His Excellency the Governor.

The Private Secretary, at the invitation of the Speaker, entered bearing the annual message of the Governor and other documents.

The Assistant Clerk proceeded to read the message, when Mr. Shackelford moved that its further reading be dispensed with, and that it and accompanying documents be transmitted to the Senate with a proposition to print. Carried.

Mr. Mendenhall moved to reconsider the vote just taken, and the motion prevailed.

Mr. Means renewed the motion to dispense with the reading of the message, &c., originally made by Mr. Shackelford. Rejected.

The Assistant Clerk then proceeded with the reading of the message.

## GOVERNOR'S MESSAGE.

To the Honorable the General Assembly of the State of North Carolina:

You have assembled as the representatives of the people in accordance with the Constitution, to assume the duties and responsibilities which are imposed upon you as the legislative department of the State Government. In the discharge of this high and important trust, which may more or less redound to the happiness and prosperity of all, it is for you to exercise

your own judgment and discretion in maturing such measures as the public interests and wants, and the plain requirements of the times may point out as most necessary and expedient. As you are fresh from the people, and are acquainted with their wishes and wants, you will, no doubt, regulate your action accordingly. The true purpose and sequence of wise and judicious legislation is to protect the public interests and promote the public welfare.

I congratulate you upon the favorable and auspicious circumstances under which you have assembled, and hope that your legislation may be beneficial to the State and productive of

much public good.

We have been exempt during the past year from contagious sickness and disease, from pestilence and plague, and from famine and suffering. The people have enjoyed general good health and peace throughout the State, and the earth has brought forth her usual abundance of fruits and products in due season. For all the numberless favors and blessings which we are permitted to enjoy we have great cause for gratitude to Almighty God, to whom our heartfelt thanks should constantly ascend. We can do nothing ourselves; without His merciful help and favor our feeble efforts will all be in vain. The vivid and abiding evidences of these ever-living truths should encourage and cheer us in the faithful discharge of our duties.

## DEATH OF GOVERNOR CALDWELL.

On the 11th of July last, amid the active duties of life, when such a sad and solemn event was entirely unexpected, our worthy and esteemed Governor, Tod R. Caldwell, was cut down in the midst of his labors and usefulness, in the full fruition of his earthly honors, and summoned to that world 'from whose bourne no traveller returns." He died in the public service, in the town of Hillsboro', whither he had gone to attend to the interests of the State at the annual meeting of

the stockholders of the North Carolina Railroad Company. He was a man of noble and generous impulses, of unsullied virtue and stern integrity. His loss to the State was a great public calamity, and his name and memory will be long and affectionately cherished by his friends and countrymen. Ever faithful to the calls of duty, he passed through the numerous responsibilities and trials imposed upon him without a stain upon his integrity as a public servant, his honor as a man, or his character as a citizen. He was candid and conscientious, sincere and just. He loved his State with the affection of a true son, and as his life was crowned with honors, may his memory be crowned with fame.

#### MY ACCESSION TO THE EXECUTIVE OFFICE.

By the death of Governor Caldwell, the Constitution devolved upon me, as Lieutenant Governor, the duties and responsibilities of the office of Governor. On the 12th of July, the day after the death of the Governor, I was notified of the fact by the Secretary of State, and requested to repair to the seat of government. On the 13th day of July the body of Governor Caldwell reposed in state in the Senate Chamber.

On the 14th of July, in the Hall of the House of Representatives, at 12 o'clock, in the presence of a number of the people, the oaths of office were administered to me by Judge E. G. Reade, of the Supreme Court. I stated briefly on this occasion the views and principles by which I expected to be guided in the performance of the duties of the office. This change in the head of the Executive Department took place quietly, without parade or ostentation; and so accustomed are our people in governing themselves to the operation of the civil law, that on this occasion, as on former ones of a similar character, the Constitution and the law seemed to go forward naturally and execute themselves. The quiet manner in which this change was effected, though not at all surprising to us, manifests to other peoples who do not govern themselves the stability of our forms

of government and the habitual submission of our people to constitutional forms and provisions.

#### CONDITION OF THE PUBLIC TREASURY.

The receipts and disbursements of the public moneys are at all times matters of importance to the tax-payers, who are called upon annually to contribute some portion of their means to satisfy the public necessities and demands, and while they yield cheerful and ready obedience to the law, they have a right to expect integrity and fidelity in public trust, and an honest and economical administration of their government.

On October 1st, 1873, there was a balance in the Public Treasury, inclusive of the Educational and Public Funds, of \$29,895.79.

The receipts of the Educational Fund for the fiscal year ending September 30th, 1874, were \$44,384.22.

The disbursements of the Educational Fund for the same time were \$56,029.94.

The receipts of the Public Fund for the fiscal year ending September 30th, 1874, were \$667,114.49.

The disbursements of the Public Fund for the same time were \$451,339.68, leaving a balance in the Public Treasury October 1st, 1874, inclusive of both funds, of \$234,024.88.

There was more money in the Public Treasury at the close of the fiscal year ending September 30th, 1874, than there was at the close of the fiscal year of 1873, which difference may justify a word of explanation here. Formerly, whenever warrants were drawn on the Treasury on the last day of the quarter, they were generally paid, and the payments were charged to the credit of the Treasurer in the month or quarter just closed. But the warrants which were drawn on the Treasury for the regular salaries due to the several departments of the State government, and also to our charitable institutions, were not paid on the last day of the quarter, and therefore the disbursements were not as large as they would have been

had they been charged in the quarter for which they were due.

#### STATE DEBT.

The proper adjustment of the State debt is of much importance, and the longer it is delayed the more difficult it will become. On the 1st of October, 1874, the debt was as follows, viz:

1. Bonds issued before the war, called "Old		
Bonds,"	\$ 8,372,900	00
Interest unpaid on same,	3,606,175	50
Total,	\$11,379,075	50
2. Bonds issued since the war, but under acts		
passed before the war,	2,297,000	00
Interest unpaid on same,	791,910	00
Total,	\$ 3,088,910	00
3. Bonds issued during the war for internal		
improvement purposes,	\$ 1,128,000	00
Interest unpaid on same,	586,590	00
And what property is the sounder of the system of	Later of the second	
Total,	<b>3</b> 1,714,590	00
	<b>3</b> 1,714,590	00
4. Bonds issued since the war for funding in-	<b>\$</b> 1,714,590	00
4. Bonds issued since the war for funding interest and matured bonds, as follows:		
4. Bonds issued since the war for funding in-	\$ 1,714,590 \$ 2,417,200 869,136	00
4. Bonds issued since the war for funding interest and matured bonds, as follows: Under funding act of 1866,	<b>\$ 2,417,2</b> 00	00 00
4. Bonds issued since the war for funding interest and matured bonds, as follows: Under funding act of 1866, Interest unpaid on same,	<b>\$ 2,417,200</b> 869,136	00 00 00
4. Bonds issued since the war for funding interest and matured bonds, as follows: Under funding act of 1866, Interest unpaid on same, Total,	\$ 2,417,200 869,136 \$ 3,286,336	00 00 00 00
4. Bonds issued since the war for funding interest and matured bonds, as follows: Under funding act of 1866, Interest unpaid on same, Total, Under funding act of 1868,	\$ 2,417,200 869,136 \$ 3,286,336 1,702,900	00 00 00 00 00

5. Bonds issued since the war under Ordi-	A very line	
nances and Acts passed since the war,		
not special tax,	\$ 1,622,045	00
Interest unpaid on same,	577,157	55
Total,	\$ 2,199,202	55
6. Bonds commonly called "Special Tax,"	\$11,407,000	00
Interest unpaid on same,	3,528,930	00
Total,	\$14,935,930	00
Total bonds and interest not special tax,	\$23,985,918	05
Total debt, including special tax bonds and in-		
terest,	\$38,921,848	05

This statement of the total amount of the State debt is about as correct as it can be made at present, and while it is rapidly increasing by the accumulation of interest, it shows that some practical and judicious action should be promptly taken for its reduction.

The people cannot pay the annual interest as it accrues on the entire debt, in addition to the ordinary expenses of the State government, and the question arises as to the best mode and manner of its adjustment.

Various plans have been suggested in relation to this subject, but in matters of business two or more parties are necessary to a contract, and to give it any validity it must have the assent of both.

I earnestly recommend to your careful attention and consideration the adjustment of the State debt, because it is filled with the fate of future consequences which may ultimately redound to the honor and good name or the shame and humiliation of the State. We have great cause for honest pride in her past history, her present position and future prospects, and may it never be truly said, that her patriotic and honest sons quietly

submitted to any unjust imputation or stain upon her character for integrity and fidelity.

The past cannot be recalled but in memory, and it is our duty to try to protect and promote the rights and interests of the people and the State. Improvements are going on in the useful and industrial pursuits and vocations of life; in our agriculture, commerce and manufactures; and our prospects are brighter for the future than they have been in the past. We are making steady progress in the development of our vast and various resources, and our taxable wealth is increasing from year to year.

#### NORTH CAROLINA RAILROAD.

As important interests are involved in this great trunk line of railroad, I deem it necessary to give a brief statement of its present financial condition, as I understand it, as I prefer dealing in facts and figures, instead of supposition.

As security for the redemption of the bonds issued to construct the North Carolina Railroad, the public faith of the State is pledged to the holders thereof; and in addition thereto, all the stock held by the State in said Railroad Company, and any dividends of profit which may, from time to time, be declared on the stock held as aforesaid, shall be applied to the payment of the interest accruing on said bonds.

In December, 1866, the Legislature passed an act giving a statutory lien on ten shares of State stock in the North Carolina Railroad Company, for each bond of \$1,000 which was authorized by said act to be issued for the completion of the Western North Carolina Railroad, which lien or mortgage is printed on the back of each bond so issued, and is signed by the Public Treasurer and the Comptroller. The mortgage is in the following words:

"Under the provisions of an act of the General Assembly of North Carolina, entitled 'An act to enhance the value of the bonds to be issued for the completion of the Western North Carolina Railroad, and for other purposes,' ratified 19th December, 1866, ten shares of the stock in the North Carolina Railroad Company, belonging to the State, are hereby mortgaged as collateral security for the payment of this bond."

There is now outstanding over \$1,800,000 of this class of bonds.

On the first day of November, 1867, the North Carolina Railroad Company executed a mortgage on the road and all the property, franchises, rights and things of whatsoever name or nature, to William A. Graham, Trustee, and authorizing the Company to issue and negotiate a series of bonds to amount in all to the sum of \$1,500,000. Of this amount the Company at their annual meeting in 1867, ordered \$800,000 bonds to be issued, and \$790,000 were issued under the mortgage. The interest on those bonds has been promptly paid, and a large part of the principal as it became due, so that the present bonded debt of the Company under mortgage is \$380,000, of which amount \$170,000 is in ten year bonds, and \$210,000 in twenty year bonds. Thus it will be seen that the bonded debt has been reduced to a comparatively small amount.

For several years the dividends arising from the State stock in the North Carolina Railroad were paid into the Public Treasury and were applied to the general expenses of the State government.

Suit was instituted in the Circuit Court of the United States for the Eastern District of North Carolina, in the name of Anthony Swasey, for himself and other bondholders, to require the dividends of the North Carolina Railroad to be applied to the payment of interest on the construction bonds, and at June Term, 1871, a Receiver was appointed in this case to collect the dividends thereon as they have from time to time been paid. These dividends, as far as received, have been applied to the payment of interest; but as they were not sufficient for that purpose, application was also made to the same Court for a decree for a sale of the State stock to pay past due interest. A decree was accordingly rendered by the Court at June Term,

1874, to the effect, that if the State fails to provide for payment of the interest due up to the first day of April, 1875, the stock may be sold.

If that decree is carried into effect it will thwart and defeat the main purposes of the "act to amend the charter of the North Carolina Railroad Company, and for other purposes therein mentioned," ratified the 10th day of February, 1874, commonly called "the consolidation bill," providing for a continuous line of railroad from Morehead City, on the Atlantic ocean, through almost the entire length of the State, a distance of more than 500 miles, with 440 of which already completed, and a large amount of tunneling in the Blue Ridge, and grading done on the 70 miles not yet finished to Paint Rock, thereby connecting with the East Tennessee Railroad, and our seaports with the great West and the Mississippi valley.

The State has appealed from the decree of the District Court to the Supreme Court of the United States, and it is hoped that the late decision in favor of the sale of the stock held by the State in the North Carolina Railroad may be reversed. But if it should be confirmed, the probability is that the main objects of the consolidation bill will be defeated, and the people of Western North Carolina, who have so long been deprived of the immense benefits and advantages of railroad facilities, will have to suffer still longer for want of those important veins and arteries of trade and commerce, which so greatly promote the prosperity and wealth of the country.

On the 11th day of September, 1871, the North Carolina Railroad and all its property was leased to the Richmond and Danville Railroad Company, for a term of thirty years, for a rent of \$260,000 per annum, payable on the 1st days of July and January of each year. The Richmond and Danville Company is also bound by the lease to pay any tax imposed on said Railroad, not to exceed \$10,000 per annum. The rent has been paid regularly thus far, and the money applied to the payment of interest on the construction bonds, in accordance with a decree of the United States Court.

The sum necessary to be raised by the present General Assembly to pay the past due interest on the construction bonds, and thus save the stock of the State from sale under the decree of the United States Circuit Court, will probably amount to more than \$200,000.

### WESTERN NORTH CAROLINA RAILROAD.

This road has been under mortgage ever since the year 1867, and a suit is now pending in the Circuit Court of the United States for the Western District of North Carolina, for the sale of said road, and it is understood that the North Carolina Railroad Company have made arrangements with the creditors of the Western North Carolina Road to purchase it whenever it is sold, as without that the consolidation act will be a failure. And by reason of objections to that act applications have been pending in the State and Federal Courts for injunctions and orders to restrain the North Carolina Railroad Company from purchasing the Western North Carolina Railroad.

If the consolidation bill be properly amended, it is thought the present objections to it will cease, and this great railroad which promises so much benefit to North Carolina will be pushed forward with industry and energy to a successful completion. Most of it is already completed, but we are unable to reap any of the advantages of this great through line by reason of the part left unfinished.

The Eastern Division of the Western North Carolina Railroad extends from Salisbury to the French Broad river, near Asheville, and has been completed and in operation for several years from Salisbury to Old Fort, in McDowell county, a distance of 115 miles, and cost \$6,000,000, \$4,000,000 of which was paid by the State, and \$2,000,000 by individuals.

The Western Division extends from near Asheville down the French Broad river to the Tennessee line at Paint Rock, some few miles below the Warm Springs, in Madison county.

Old Fort is thirty-five miles west from Morganton, and

twenty-four miles from the French Broad river. This twentyfour miles includes the mountain section and all the tunnels. three small ones and one large one at the top of the mountain. The small tunnels were nearly completed when the work was suspended, and the large one, through solid rock, nearly half finished. The large tunnel is about 1,600 feet in length, 700 feet of which is completed and some 900 to finish. The entire tunneling yet to do in all four of the tunnels is a little more than a fourth of a mile, and a very large proportion of the grading between Old Fort to the top of the mountain is done. and considerable grading has also been done from the mountain to the French Broad river. The Company, previous to the war, had surveyed and located the section from the French Broad river to the Tennessee line, near Ducktown, a distance of 135 miles from Asheville, at the estimated cost of over \$5,000,000, and had located the road from the French Broad river down that river to Paint Rock, on the Tennesse line. forty-four miles from Asheville, the estimated cost of which I have not before me.

The Mississippi valley is full of railroad enterprise and life. Those Atlantic States are most sagacious, and most fully on the road to enduring prosperity and wealth, who are sending out the arms of their railroads to gather in and convey to their own ports the inexhaustible productions of that valley, and also to share in the Pacific trade of China and Japan. The East Tennessee, Virginia and Georgia Railroad has its eastern terminus on the Virginia line, at Bristol, and its lower end has two termini-one at Dalton, Georgia, and one at Chattanooga, Tennessee. It is 242 miles long, and is the sole outlet to the ocean above Georgia, of the immense freight that is poured into Chattanooga from the West, and its authorities and friends would be glad to turn its through freight and travel across North Carolina. Its tonnage is immense and constantly increasing. This road will have a monopoly of the earrying trade until we can intersect or tap it, and, as has been stated. it is to its interest to turn its through business across North

Carolina. The city of Cincinnati is building and expects to complete in eighteen months, a road direct to Chattanooga, and by this very important route the freight poured down to the latter place will probably be more than double. The Knoxville and Kentucky Road extends from Knoxville towards Kentucky, now terminating at Caryville, in the midst of the finest coal field in Tennessee, which is being rapidly developed. The present terminus of this road is only twenty-five miles from the line of the Cincinnati Southern, and when the Knoxville and Kentucky Road is finished, the distance from Cincinnati to Knoxville will thus be 269 miles. From Knoxville to Morristown is forty-two miles; from Morristown to the North Carolina line forty-four miles; from the State line to Asheville The distance from Cincinnati to Charleston, forty-four miles. by way of Chattanooga, will be 779 miles, making it ninetytwo miles nearer by Asheville, and the shortest route to Richmond and Norfolk, and to our own ports, (which we should ever keep in mind as the paramount object,) will be our line by way of Asheville.

In the beginning of our general system of internal improvements, in 1848, our wisest statesmen, such as John M. Morehead, Romulus M. Saunders, Calvin Graves, Samuel F. Patterson and others, looked not merely to the trade of the Mississippi valley, but to the immense regions beyond. In 1852 it began to be regarded as more than probable that great lines of railroad would be constructed to the Pacific ocean, and it was then demonstrated that the shortest route from California to the Atlantic ocean was across North Carolina. It should be our chief object to stretch our lines so as to reach the Mississippi valley. Once in communication with that valley, the natural current of trade will assert itself, and will result in great and constantly increasing benefits to our State.

### EDUCATION.

The receipts and disbursements of the Common School moneys appear small on the books of the Public Treasurer and

the Auditor, because only a few small sources of revenue to the school fund are paid directly into the Public Treasury, such as money received for entries of vacant lands, tax on retailers of spirituous liquors, fines and forfeitures, and income from investments.

The present school law provides, that all State and County capitation taxes which shall be levied and collected for school purposes under the Constitution, shall be paid to the County Treasurers of the counties respectively in which the same are collected, and shall constitute a revenue and fund for the support of public schools in said counties.

It is unnecessary, with the light and knowledge before us in our advanced civilization, to offer any reason or argument to show the great necessity and importance of a general diffusion of knowledge among the people. All nature and experience abundantly prove the use and benefit of education. It brightens and improves our intellectual faculties, and greatly promotes our real enjoyments.

Without education mankind would be only heathens and barbarians, and wholly unfit for the realization of the blessings of civil and religious liberty. It is the great power that raises the intellectual and moral condition of man far above the brute creation, and teaches him his duty to himself, his country and his God. It enables the poor and unfortunate to work out their own happiness and destiny, and to become useful in this life, and to prepare for the enjoyments of a blissful immortality hereafter.

It was truly said by that great British statesman, Edmund Burke, that "education is the chief defence of nations." It defends a nation within itself against vice and crime, by enlightening the minds of its citizens and preparing them for the knowledge and the practice of the principles of virtue; and this inner, inherent strength all the better qualifies and fortifies it to resist foreign aggression. It is education which has elevated the Kingdom of Prussia from a fourth class power, since the time of the Great Frederick, to the controlling influence it

now wields throughout Europe and the world. And those States and communities in the United States which are thriftiest and most prosperous and progressive, and in which the greatest achievements in every department of human effort have been made, are those in which education has been most fostered and encouraged. Our forms of government are based on intelligence and virtue. It is said, and truly, that "the price of liberty is eternal vigilance." But how can an ignorant people appreciate liberty, which can be secured and enjoyed only by wise provisions in Constitutions and laws? And how can they be vigilant who are not informed as to the issues at stake, or as to the dangers which may threaten liberty? One of the objects which seemed to be nearest to the heart of George Washington was that of so educating the great body of the American people as to render them fit custodians of those immortal principles of liberty and virtue which his sword and that of his compatriots had won for them. And our ancestors, in founding our State government, and succeeding generations in amending from time to time their fundamental law, and in their legislation on the subject, have shown that the education of the masses has occupied a chief place in their thoughts.

The first act on the subject of Public or Common Schools was passed by our State Legislature in 1825. The object of this act was to collect a fund, which slowly accumulated until 1836, when the State received the sum of \$1,433,757 as a deposit by the General Government. This sum was invested, interest accumulated, and our Common School system was put in operation in 1840. For twenty years, up to 1860, the system increased in usefulness and conferred great good on the masses of our people, insomuch that they became attached to it, and the system was regarded as permanently established in the State. Unfortunately, however, with our other losses, which were great in many respects, the war which commenced in 1861 occasioned the loss of nearly all our school fund. This loss, it would seem, was unavoidable, and was a part of the misfortunes of the times. But our people, not daunted by

these reverses, but still cherishing, as in former years, their devotion to the cause of education, bestowed on their representatives in the General Assembly ample powers on this subject in the present Constitution.

And at this time but two impediments appear to a vigorous system of Common Schools. First, our comparative poverty as a people; and secondly, the so-called Civil Rights bill. The first impediment or difficulty could be surmounted, for out of their little, our people would consider it sound economy as well as commendable philanthropy to spare something for general education, and our Common School system would rise slowly but surely, as it did from 1840 to 1860, into great and increasing usefulness. But a law passed by Congress requiring the two races to be mixed in the public schools of this State would, in all probability, result in closing these schools in North Carolina. Indeed, the mere pendency of such a law before Congress, with the prospect of its passage, would go very far to depress, if not to destroy the Common Schools of this State. I indulge in no comments on the Civil Rights bill, but simply give expression to the views and feelings of the great body of our people. Our State Constitution makes no discrimination against the colored race. There is no law in this State forbidding colored children from attending any of our public schools. By general consent, and by the erection of separate school houses for the two races, they have been wisely separated from each other, and our people would regard any change in this respect as injurious to both races, and as calculated to sap the foundation of our public schools.

I commend the whole subject of education, gentlemen, to your consideration. There is no other subject likely to engage your attention which surpasses it in importance, and I trust that in this department of legislative labor, as in others, your action may be such as to benefit the people and redound to the general welfare.

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#### THE UNIVERSITY.

The amendment to our State Constitution providing for a re-organization of the University, which was passed by the necessary constitutional majority by the General Assembly at its session of 1872–'73, was ratified by a large majority of the voters at the polls on the first Thursday of August, 1873, according to the forms and requirements of law, and is therefore, in my opinion, a part of the Constitution of the State.

Under the provision of the Constitution, as amended, which authorizes the Legislature to provide for the election of Trustees of the University, the Legislature, at its session of 1873–'74, elected by joint vote of the two Houses sixty-four Trustees of the University.

As some doubt seemed to be entertained as to the constitutional right of the General Assembly to elect Trustees, under the provision which gives it power to provide for their election, the matter was carried to the Supreme Court, which is the case of the Trustees of the University of North Carolina against Alexander McIver, Superintendent of Public Instruction. The case was before the Supreme Court for decision at its last term, and was continued, as it was understood, by reason of the sickness of Chief Justice Pearson.

The case involved two questions: First, whether the amendment in relation to the University had been so passed and ratified as to become a part of the Constitution; Second, whether the Legislature had properly *provided* for the election of the Trustees of the University by enacting that they should be chosen by a joint vote of the members of the General Assembly.

### IMMIGRATION.

It is probable that, in proportion to area and population, there are fewer persons in this State not natives than in any other State in the Union. It was hoped at the close of the late war between the States that immigration, bringing with it wealth, intelligence and skilled labor, would be one of the means by which our prosperity would be materially increased; but this hope has not been realized. The number of those from other countries and States who have come to reside permanently among us is small, and I feel constrained to state that the immediate prospect of anything like considerable immigration to the State, is by no means flattering. It would serve no good purpose at present to dilate upon the causes that have diverted the tide of immigration to other regions, leaving so little of that tide to find its way into our State. States and communities grow slowly, and live a long time. We must be patient and hopeful in this respect, as in others. The day will come when the unbounded resources of North Carolina will be more fully developed; when her great staples of cotton and tobacco will be manufactured in large measure here at home; when her comparatively hidden but vast mineral resources will be brought to light and utilized; when her forests of timber and her water powers will be rendered available for wealth and prosperity; when her rivers will be made navigable as far as practicable, and her harbors and sounds will be whitened with her coast-wise and sea-going ships; when her railroads, penetrating the Blue Ridge, shall bring to our marts the productions of the Mississippi valley; when school-houses and churches shall exist in every neighborhood, sending out their light and their truth among the people, and when North Carolina, the land of a virtuous, enlightened, self-governing people, shall shine with steady and ever-increasing light in the galaxy of States. To this end, gentlemen, though it may be distant, let us all labor. Let us do our duty in our day and time, transmitting it to posterity as a sacred duty to do all that may be done to build up and improve our beloved State.

We are not so much in want of immigrants as to desire that the vicious, the refuse of jails and penitentiaries, or the scum of Europe or of other States and countries, should settle among us. We wish that our moral condition shall improve with our material progress. Every immigrant of industrious habits and good moral character, who comes to settle among us, will be welcomed by our people. And while on this subject, permit me to express my gratification that emigration from the State has well nigh ceased. Our people are becoming more and more setisfied with their condition, especially when they contrast it with the peculiarities and the hardships which are to be encountered in other communities; and the result is a pause in the tide of emigration from North Carolina, which I sincerely hope is permanent.

I commend the whole subject, gentlemen, to your attention. It remains for you to decide whether any farther steps shall be taken, and if so, what steps, to induce immigrants to settle among us.

### DEAF AND DUMB AND THE BLIND.

I commend to your care the North Carolina Institution for the Deaf and Dumb and the Blind. The interesting reports of the Principal and the President of the Board of Directors will show the general condition and management of this Institution for the year ending November 1st, 1874. The number of pupils for 1873 was 202, and the number for 1874 was 215, showing an increase of thirteen over the preceding year.

This noble charity of the State has conferred, and is conferring countless benefits and blessings upon those unfortunate classes of the human race who have been deprived of sight, or speech and hearing. It enlightens their minds and prepares them for usefulness and happiness, which none but they can appreciate and realize. It has already furnished abundant evidence of the valuable results accomplished by its instrumentality, in giving intelligence, cheerfulness and high-toned moral character to the unfortunate classes who enjoy its benefits. Their great calamity is very much relieved, their own happiness and well-being are promoted, the friends who most nearly share their misfortune are comforted and gladdened, and they

who must otherwise be a life-long burden on the private or public charity of the State, come forth prepared to take their places as self-sustaining, respectable, useful citizens.

The more carefully the bearing and measure of these results are estimated, the more clear it is that sound economy, as well as philanthrophy and christian benevolence fully justify all the outlays necessary to secure them.

While the Directors have doubtless done the best they could in the practice of proper discretion and economy in the government of this humane and benevolent Institution, and have reduced the average cost for the support of each pupil, they are nevertheless constrained by an imperative sense of public duty to ask that an annual appropriation of \$45,000 be made for its support, and \$5,000 in addition for the necessary repairs of buildings and fences, and for the purchase of furniture.

A large and commodious building has been completed for the colored department, and was occupied in July last. The building is eligibly located, and is properly and suitably arranged for the comfort and convenience of a large number of pupils.

It is said that North Carolina is the only State in the Union that has erected a suitable building for the accommodation of colored pupils, and made regular appropriations for the education of her colored deaf and dumb and blind children.

#### INSANE ASYLUM.

I respectfully invite your attention to the elaborate and instructive report of the able and efficient Superintendent of the Insane Asylum of North Carolina, which contains valuable and important information in relation to that Institution, which has done so much to improve the condition of those who have received its care and protection. The act for its establishment was passed by the General Assembly at the session of 1848-'49, and the building was constructed after the most recent and acceptable plans, embracing all improvements and necessary

accommodations for institutions of this description. It was first opened for the admission of patients on the 22d of February, 1856, and it has been in successful operation ever since that time. But as the number of insane in the State is increasing, the present building is not sufficient to afford accommodation for all who need medical treatment, and many have been refused admission for want of room.

By the erection of two wings to the present building, double the present number of patients may be provided for under the same management.

For the present year an appropriation of \$65,000 for support, and \$5,000 for improvements and repairs is asked for this Institution.

### PENITENTIARY.

I respectfully invite your attention to the interesting report of the Board of Directors, Architect, Deputy Warden, Steward and Physician, for the year ending October 31, 1874, showing the condition and management of the affairs of the Penitentiary.

On October 31st, 1874, there were 445 convicts in the Penitentiary, and the number will doubtless increase. The money appropriated by the last General Assembly was exhausted before the close of the year, and the deficiency has been supplied from the public fund until the Legislature makes the necessary appropriation. The vigilant and intelligent Steward has watched the markets for the purpose of purchasing supplies of food at wholesale prices at the lowest current rates. The average cost of furnishing the officers, overseers and guards with good substantial fare has been thirty cents per day for each one, while the average cost of feeding the convicts has been a fraction over twelve cents per day, each.

A large number of brick has been made by the convicts, but could not be burned because the Steward, who is the disbursing officer of the institution, had no money to pay for wood to burn them; neither could be purchase the iron with which to

manufacture the cell doors, ordered by the last General Assembly to be made in the prison by the convicts. The last appropriation was only about sufficient to feed, clothe and keep the convicts.

The Board of Directors have carefully calculated the cost and expense of an active and vigorous prosecution of the work for the present year, and asks an appropriation of \$118,650 for that purpose.

This is an important subject and merits mature consideration, and the longer the time shall be before the building is completed, the more it will cost the State. It is a great State institution in which the people are more or less interested, and I respectfully invite you, gentlemen, to visit the Penitentiary at your own pleasure and convenience, and see for yourselves the immense amount of work that has been done there, and I think you will be satisfied with its management and progress.

MILITIA.

Our Constitution says: "The General Assembly shall provide for the organizing, arming, equipping and discipline of the Militia, and for paying the same when called into active service." In compliance with this command of the Constitution, I recommand that an act be passed providing for an enrollment of the Militia, but not for active duty, except in case of war, invasion or insurrection. The provision in the old law for enrolling and organizing volunteer military companies, regiments and battalions should be contined as heretofore.

### REPORTS OF EXECUTIVE OFFICERS.

I have the honor to transmit herewith the annual Reports of the Secretary of State, the Public Treasurer, the Auditor, the Superintendent of Public Instruction, State Librarian, Adjutant General and Keeper of the Capitol, and to direct your attention to the suggestions contained therein.

### PORT AND HARBOR OF WILMINGTON.

More than fifty years ago, long before there were any Railroads connected with the city of Wilmington, the General Government turned its attention to the great national importance of the port and harbor of Wilmington, and it has been the policy of the Government to improve the channel and navigation so as to cause a supply of water on the bar at the mouth of Cape Fear river of a depth sufficient to float vessels of a larger size.

Congress has heretofore made appropriations to this object, and the work has been prosecuted thus far with gratifying success. I would respectfully suggest that the General Assembly renew its application to the General Government for more material aid to push this work rapidly to completion.

#### CONCLUSION.

An extensive field of labor lies before you. May you sow good seeds, and may an abundant harvest result therefrom. Great and important interests have been committed to your care and protection. Your powers and duties are so comprehensive that it is neither necessary nor practicable to attempt, in the accustomed executive communication, to embrace all the subjects that may properly engage your attention and require your action.

In conclusion of this, my first annual message, I commend to your care and protection the interests and honor of North Carolina, and in all measures which may be best calculated to develop her wealth and resources, to encourage and protect useful industry and labor, and promote the happiness and prosperity of our people, you will have my sincere and earnest cooperation.

CURTIS H. BROGDEN.

Executive Office, Raleigh, Nov. 16, 1874.

At the conclusion of the reading, on motion of Mr. Richardson, the message with accompany documents was transmitted to the Senate with a proposition to print.

On motion, Mr. Mitchell of Franklin, was granted a leave of absence on account of sickness in his family.

On motion of Mr. Tate, the House adjourned until tomorrow at 11 o'clock, A. M.

### FOURTH DAY.

THURSDAY, November 19, 1874.

The House came to order at the hour fixed at the adjournment of the previous day. Mr. Speaker Robinson in the chair.

The Journal of yesterday was read and approved.

Mr. Pinnix, of Davidson, presented a memorial from the town of Thomasville, explaining its object to be the prohibition of the sale of spirituous liquors within three miles of the town of Thomasville; which memorial was placed on the calendar.

Mr. Speaker announced that the reports of standing committees were in order, and the reports of select committees.

There being no reports from either, the introduction of resolutions was in order.

Mr. McCubbins, of Rowan, introduced a resolution for the adjustment of the public debt; which was referred to Committee on Finance.

Mr. Boyd, of Alamance, introduced a joint resolution concerning taxation on lands, which was collected by the General Government in 1865. Referred to Committee on Propositions and Grievances.

Mr. Moring, of Chatham, introduced a resolution on constitutional reform. Placed on calendar.

### INTRODUCTION OF BILLS.

Mr. Speaker announced that the introduction of bills was now in order.

Mr. Tate, of Burke, introduced a bill to repeal an act providing for the payment of the debt of the State, and the interest thereon. Placed on calendar.

Mr. Green, of Watauga: A bill to charter the Watauga and Caldwell Narrow Gauge Railroad. Referred to Committee on Internal Improvements.

Mr. Mendenhall, of Guilford: A bill to adjust and compromise the public debt of the State. Referred to Committee on Finance.

Mr. McRae, of Cumberland: A bill to amend sections 264, 265, 270 and 273 of the Code of Civil Procedure. Referred to Committee on Judiciary.

Mr. Fields, of Alleghany: A bill to amend chapter one hundred and sixty-six, Public Laws of 1873-74. Referred to Judiciary Committee.

Mr. Staples, of Guilford: A bill to regulate the rate of interest and to prevent usury. Referred to Judiciary Committee.

Mr. Dortch, of Wayne: A bill to change the times of holding the courts in the third Judicial District. Placed on calendar.

Mr. Strong, of Wake: A bill to amend the military laws of the State. Referred to Committee on Military Affairs.

Mr. Pinnix, of Davidson: A bill to repeal an act entitled "An act empowering the Board of Education for Davidson county to establish a Teachers' Institute or Normal School. Placed on calendar.

Mr. Green, of Watauga: A bill to repeal section 4, of chapter 164, of the laws of 1851, "An act to incorporate the Caldwell and Ashe Turnpike Company." Referred to Committee on Corporations.

Mr. Thompson, of Lincoln: A bill to amend the charter of the town of Lincolnton. Referred to Judiciary Committee.

Mr. Hanner, of Chatham: A bill concerning a homestead and personal property exemption. Referred to Judiciary Committee.

Mr. Thompson, of Lincoln: A bill to amend chapter 60, section 28, of Battle's Revisal. Referred to Judiciary Committee.

Mr. Fields, of Alleghany: A bill amendatory to an act to lay out and construct a road through the counties of Alleghany and Ashe, ratified the first day of March, 1870. Referred to Committee on Railroads, Post Roads and Turnpikes.

Mr. Oaksmith: A bill to repeal chapter 171, laws of 1873-'74. Referred to Committee on Propositions and Grievances.

Mr. Moring: A bill to adjust and settle the State debt. Referred to Committee on Finance.

The morning hour having expired, a message from the Senate was received concurring in the proposition of the House to print 220 copies of the Governor's message.

On motion of Mr. Strong, the original motion was amended by adding one hundred copies for the use of the Executive Department, and a message was sent to the Senate to that effect.

The Speaker announced the following committees:

Committee on the Judiciary.—Messrs. Strong, McRae, Erwin, Pinnix, Walker of Richmond, Candler, Moring, Means, Mebane, Gudger, Boyd, Spears, Staples, Barnett, Dula, Dortch, Field and Green.

Committee on Finance.—Messrs. Tate, Richardson, Bryson, Patton, Mendenhall, Gash, Reid, Stowe, Wheeler, Boyd, Mc-Iver, Pinnix, Mizell and Brewington.

Committee on Propositions and Grievances.—Messrs. Gudger, Walker of Richmond, Trivett, Green, Hicks, Staton, Stephenson, Bettis, Foote, Norment, Barnhardt of Caldwell, Sharpe, Munden and Moore.

Committee on Corporations.—Messrs. Richardson, Carson, Gaither, Holt, Staples, McCubbins, Spears, Moffitt, Davis of

Jackson, Parrott, McCallup, Isler, Blythe, Whisnant and Jones.

Mr. Oaksmith moved to suspend the rules and take from the calendar the bill to repeal chapter 171, laws of 1873-'74: which motion did not prevail, and the bill was referred to the Committee on Propositions and Grievances.

Mr. Tate moved to suspend the rules, and take from the calendar his bill to repeal the act providing for the payment of the interest on the lawful debt. Carried.

Mr. Mendenhall moved to refer the bill to the Committee on Finance.

Mr. Means moved to amend the motion for reference by making the bill the special order for 12 o'clock, but afterwards withdrew his motion, and the motion to refer was then put to a vote and carried.

### CALENDAR.

The calendar was then taken up, and

H. B. No. 3, in relation to usury, was referred to the Committee on the Judiciary.

H. B. No. 1, in relation to usury, was referred to the same committee.

By consent, Mr. Brewington introduced a bill for the protection of owners of live stock against railroads. Referred to Judiciary Committee.

H. B. No. 10, to fix the *per diem* of members of the Legislature was taken up on its second reading.

Mr. Trivett moved to lay the bill on the table, on which motion the yeas and nays were called, which resulted in the rejection of the motion. Ayes 48, nays 53. The following is the ballot on motion to lay H. B. No. 10 on the table:

The following gentlemen voted in the affirmative:

Messrs. Barnhardt of Caldwell, Bernheardt of Rowan, Barrett, Blythe, Bryson, Bunn, Candler, Carson, Cary, Davis of Haywood, Davis of Jackson, Elliott, Field, Finger, Freeman,

Garrison, Godwin, Good, Green, Gudger, Hicks, Jetton, Jones, King, McCubbins, Mendenhall, Mizell, Mock, Moore, Munden, Newell, Parker, Parrott, Patton, Pinnix, Presson, Shackleford, Smith of Hyde, Staton, Stowe, Thompson of Beaufort, Trivett, Walker of Tyrrell, Whisnant, White, Wiley, Wood and Woodhouse—48.

The following gentlemen voted in the negative:

Messrs. Anderson, Atwater, Bennett, Bettis, Boyd, Brewington, Bryan, Carter, Crews, Dortch, Eatman, Erwin, Foote, Gaither, Gash, Griffin, Hanner, Harrison, Haymore, Hill, Holt, Isler, Jessup, Kendall, Latta, Lloyd, Martin, McCallop, McIver, McNeill, McRae, Means, Mebane, Moffitt, Moring, Moseley, Mullen, Norment, Page, Reid, Richardson, Sharpe, Smith of Anson, Spears, Staples, Stephenson, Strong, Thompson of Lincoln, Walden, Walker of Richmond, Wells, Wheeler and Whitley—53.

H. B. No. 12, on motion of Mr. Mizell, was taken up on its second reading and referred to the Committee on Propositions and Grievances.

### RESOLUTIONS ON SECOND READING.

Mr. Trivett's resolution in relation to Civil Rights was taken up.

Mr. Means offered a substitute therefor, and on motion of Mr. Means, both the original and substitute were referred to a select committee of five.

The Speaker appointed as said committee Messrs. Means, Trivett, Mebane, Candler and Wiley.

By consent, Mr. Lloyd introduced a bill to extend the time of tax collectors. Referred to Committee on Finance.

H. R. No. 3, to extend the time for sheriffs and tax collectors to pay over the county taxes, was referred to the Committee on Finance.

Leave of absence was granted to Mr. Mebane for five days. Mr. Tate moved to reconsider the vote making the bill to repeal the act providing for the payment of the interest on the lawful debt, the special order for to-morrow at 12 M. The motion to reconsider was adopted, and, on motion of Mr. Tate, the bill was referred to the Committee on Finance, with instructions to report immediately. The committee reported favorably, and the bill was ordered to be put on its second reading. The bill was then passed its second and third readings, and ordered to be sent to the Senate without engrossment.

Mr. Tate moved to reconsider the vote by which the bill passed its third reading, and to lay that motion on the table,

which was adopted.

Mr. Pinnix introduced a bill to fix the *per diem* and mileage of the members of the General Assembly. Referred to Committee on Salaries and Fees.

Mr. Strong introduced a resolution on joint rules. Placed on calendar.

Leave of absence was granted to Mr. Mast, Enrolling Clerk. Mr. Shackelford, by consent, introduced a resolution in regard to mileage and per diem. On motion, the rules were suspended and the resolution was adopted, and ordered to be engrossed and sent to the Senate.

On motion, the House adjourned until to-morrow at 11 o'clock, A. M.

# FIFTH DAY.

FRIDAY, November 20th, 1874.

The House met at 11 o'clock A. M., according to adjournment, Mr. Speaker Robinson in the Chair.

The Journal of yesterday was read, corrected and approved. The reception of memorials and petitions being in order, Mr. Gash presented a petition from the citizens of Transylvania county to prevent the sale of spirituous liquors in certain localities, which was referred to the Committee on Propositions and Grievances.

The reports of Standing and Select Committees being next in order, Mr. Wiley, from the Select Committee on House resolution No. 2, in relation to the Civil Rights bill, made a report recommending that the substitute be adopted.

Mr. Shackleford, from the Committee on Engrossed Bills, reported that House resolution No. 2 had been correctly engrossed.

Mr. Norment, from Robeson, introduced a resolution in regard to adjournment. Placed on calendar.

Mr. Finger, a resolution in relation to gambling on fair grounds. Placed on calendar.

Mr. Walker, of Richmond, a resolution of instruction to the Senators and Representatives in Congress from North Carolina, to urge appropriations for the improvement of the bar of Cape Fear river. Placed on calendar.

Mr. Walker, of Tyrrell, a resolution requesting our Representatives in Congress to ask for an appropriation to open the mouth of Scuppernong river. Calendar.

Mr. Page, of Wake, a resolution in regard to the sale of confectionery in the rotunda of the Capitol. Calendar.

### INTRODUCTION OF BILLS.

Mr. Tate introduced a bill to compromise, adjust and settle the State debt. Referred to the Finance Committee, with order to print.

By Mr. Walker, of Richmond: A bill to re-enact and revise sections 115 and 116, chap. 31, Revised Code. Referred to Judiciary Committee.

By Mr.Mullen: A bill to repeal chap. 64, sec. 9, of Battle's Revisal. Referred to the Judiciary Committee.

By Mr. Walker, of Richmond: A bill to amend chap. 27, sec. 5, Battle's Revisal. Referred to Judiciary Committee.

By Mr. Erwin: A bill to amend the act to establish the days for selling real estate, chap. 215, sec. 1, laws of 1869-'70. Referred to Judiciary Committee.

By Mr. Candler: A bill to repeal chap. 73, laws of 1872-'73. Referred to Judiciary Committee.

By Mr. Means: A bill to amend title 7, sec. 82, Code of Civil Procedure. Referred to Judiciary Committee.

By Mr. Moring: A bill to construe an act concerning the sale of liquors within two miles of the flouring mills at Lock-ville, in the county of Chatham. Referred to Committee on Propositions and Grievances.

By Mr. Newell: A bill to raise the compensation of county commissionors. Referred to Committee on Salaries and Fees.

By Mr. Green: A bill for the relief of J. W. Horton, tax collector of Watauga county. Referred to Committee on Finance.

By Mr. Barnhardt, of Caldwell: A bill to amend sec. 15, chap. 104, Battle's Revisal, entitled Roads, Ferries and Bridges. Referred to Committee on Railroads, Post Roads and Turnpikes.

By Mr. Stowe: A bill to more effectually punish retailing without license. Referred to Judiciary Committee.

By Mr. Means: A bill to give per diem to school committees. Referred to Committee on Salaries and Fees.

By Mr. Pinnix: A bill to re-enact substantially sections 24, 25, 26 and 27 of chapter 32, Revised Code. Referred to Judiciary Committee.

By Mr. Barnhardt, of Caldwell: A bill to amend section 15, chapter 105, Battle's Revisal, concerning salaries and fees. Referred to Committee on Salaries and Fees.

The morning hour having expired, Mr. Trivett, from the Committee on House resolution No. 2, in regard to the Civil Rights bill, submitted a minority report, which takes its place

on the calendar with the resolution and the report of the majority.

Mr. Speaker announced the following standing committees: Internal Improvements.—Messrs. McRae, Staton, Patton, Bryson, Stowe, Oaksmith, Tate, Wheeler, Presson, Mitchell, Wiley, King, Hicks and Candler.

Privileges and Elections.—Messrs. Moring, Dortch, Anderson, Norment, Woodhouse, Young, Griffin, Whitley, Bizzell, Wood and Elliott.

Claims.—Messrs. Reid, Ballard, Atwater, Glenn, Smith of Anson, Smith of Hyde, McNeill, McCallop, Parker, Newell, Lloyd and Crews.

Salaries and Fees.—Messrs. Walker of Richmond, Eatman, Walker of Tyrrell, Thompson of Beaufort, Wiley, Johnson, Jessup, Garrison, Whisnant, Moseley, Mullen, Sharpe and Scott.

Mr. Oaksmith was added to the Committee on Finance, and Messrs. Mitchell and Trivett to the Committee on the Judiciary.

A message was received from the Senate announcing the passage of the following:

A bill for the relief of the tax payers of New Hanover;

Also amendment to H. B. 14, S. B. 23, to repeal an act to provide for the payment of the interest of the lawful debt of the State;

Also a resolution concerning amendments to the State Con. stitution.

On motion of Mr. Tate, the House concurred in the amendments of the Senate to H. B. 14, and the bill was ordered to be enrolled for ratification.

The S. B. and resolutions take their place on the calendar.

### CALENDAR.

The calendar was taken up. H. R. 6, to raise a committee on joint rules, was taken up and adopted, and ordered to be engrossed.

A message was received from the Senate, informing the House that the Senate had adopted a resolution raising a Joint Committee on Joint Rules to consist of three on the part of the Senate, and five on the part of the House, and asking the concurrence of the House therein. Concurred in.

By consent, Mr. Strong introduced a bill to amend section 18, chapter 14, Battle's Revisal, in regard to lost or destroyed records, which was referred to the Judiciary Committee.

Mr. Boyd, by consent, introduced a joint resolution, requesting our Representatives in Congress to use their influence to obtain an appropriation of one hundred thousand dollars for the erection of a Government Court House and Post Office at Greensboro'. Calendar.

The Speaker announced Messrs. Moring, Oaksmith, Candler, Staples and Boyd as the House branch of the Joint Committee on Rules.

On motion of Mr. Walker, of Richmond, S. B. 3, H. B. 36, for the relief of the tax payers of New Hanover county, was taken up and passed its second reading, and on motion of the same gentleman, it was put on its third reading, passed, and ordered to be enrolled for ratification.

A message was sent to the Senate announcing the concurrence of the House in the engrossed amendments to S. B. 23.

The calendar was resumed.

H. B. 20: A bill to repeal an act empowering the Board of Education of Davidson county to establish a teacher's institute and normal school, was taken up and put on its second reading and passed.

On motion of Mr. Pinnix, the rules were suspended and the bill passed its third reading and was ordered to be engrossed and sent to the Senate.

H. B. No. 28, to change the times of holding courts in the Third Judicial District, was taken up and passed its second reading.

On motion of Mr. Dortch, the rules were suspended and the

bill passed its third reading, and was ordered to be engrossed and sent to the Senate.

H. R. No. 5, raising a Joint Committee on Constitutional Reform, was taken up and adopted, and ordered to be engrossed and sent to the Senate.

On motion, Mr. Barrett was granted leave of absence for five days on account of sickness.

On motion, Mr. Stephenson was granted leave of absence until Monday next on account of important private business.

A message was received from the Senate announcing J. T. Morehead, Senator from Guilford, as President *pro tem.* thereof. On motion, the House adjourned until 11 o'clock to-morrow.

# SIXTH DAY.

SATURDAY, November 21, 1874.

At 11 o'clock A. M., Mr. Speaker Robinson called the House to order.

The Journal of yesterday was read, amended and approved.

### REPORTS FROM STANDING COMMITTEES.

Mr. Strong, from the Judiciary Committee, reported upon the following bills:

H. B. No. 27: A bill to amend chapter 60, section 28, of Battle's Revisal, that it do pass, after being amended as follows: In line three, between the words "that" and "Battle's Revisal," insert the words "chapter 162, section 28, of the acts of the General Assembly of North Carolina of 1868-'69, as brought forward in."

H. B. No. 41: A bill to re-enact sections 24, 25, 26 and 27, chapter 32, Revised Code, a substitute therefor. H. B. No.

15, that it do not pass; H. B. No. 11, that it do not pass, and favorable upon H. B. No. 37.

Mr. Gudger, from the Committee on Propositions and Grievances, reported favorably upon House Resolution No. 14, in regard to the direct land tax; also upon H. B. No 12: A bill for the relief of the sureties of William M. Moore, late sheriff of Martin county, recommending its passage with the following amendments: *Provided*, That this act shall not apply to any person who will make oath that he has paid his taxes for the years aforesaid, and provided, further, that this act shall not apply to executors, administrators, or guardians.

Mr. Richardson, from the Committee on Corporations, reported upon H. B. No. 18: A bill to amend an act to incorporate the Diamond Cotton Chopper and Cultivator Company, recommending its passage.

Mr. Shackelford, from the Committee on Engrossed Bills, reported the following bills and resolutions as being correctly engrossed:

H. B. No. 20: A bill to repeal an act empowering the Board of Education of Davidson county to establish a teacher's institute or normal school;

H. B. No. 28: A bill to change the time of holding Courts in the Third Judicial District;

H. R. No. 6: A resolution in regard to joint rules;

H. R. No. 5: A resolution raising a joint committee on Constitutional Reform.

Mr. Walker, of Richmond, from the Committee on Salaries and Fees, reported upon H. B. No. 50, to amend section 15, chapter 105, Battle's Revisal, concerning salaries and fees, recommending a substitute therefor.

## REPORTS FROM SELECT COMMITTEES.

Mr. Strong, from the Select Committee on rules of the House, submitted a report adopting the rules of last session with the exception of the following amendment to rule No. 20:

"Every member who shall be in the Hall of the House when the question is put shall give his vote, unless the House shall excuse him, and no application to be excused from voting, or to explain a vote, shall be entertained, unless made before the call of the roll."

Mr. Moring, from the Joint Select Committee on Joint Rules, announced that the Chairman of the Senate branch of said committee would report to that body, which report would be transmitted to the House.

On motion of Mr. Green, the bill for the relief of the sheriff of Watauga was taken from the calendar and referred to the Committee on Propositions and Grievances.

### INTRODUCTION OF RESOLUTIONS.

By Mr. Good: A resolution in regard to the obstruction of navigation in Neuse river below Newbern. Calendar.

By Mr. Norment: A resolution in regard to a uniform rate of interest. Calendar.

By Mr. Pinnix: A resolution in regard to securing indemnity from the Federal Government for the destruction of the court house in Davidson county. Calendar.

By Mr. Moring: A resolution in regard to the printing on stationery. Calendar.

By Mr. Foote: A resolution in regard to furnishing members with Battle's Revisal. Calendar.

By Mr. Walker, of Richmond: A resolution requesting the Governor to furnish the General Assembly with Battle's Revisal. Calendar.

By Mr. Oaksmith: A joint resolution concerning the public creditors of the State. Referred to Finance Committee.

### INTRODUCTION OF BILLS.

By Mr. Trivett: A bill to repeal a resolution in relation to

the North Carolina Manual. Referred to Committee on Propositions and Grievances.

By Mr. Tate: A bill for the better protection of orchards and gardens. Referred to Judiciary Committee.

By Mr. Proffitt: A bill to amend chapter 37, section 2, laws of 1873-'74. Referred to Committee on Propositions and Grievances.

By Mr. Foote: A bill to amend section 3, chapter 65, Battle's Revisal. Referred to Judiciary Committee.

By Mr. Munden: A bill to empower the Commissioners of Pasquotank county to build school houses. Referred to Committee on Education.

By Mr. Munden: A bill to prohibit the obstruction of the water in Little river, running between Pasquotank and Perquimans counties. Referred to Committee on Propositions and Grievances.

At the expiration of the morning hour, a message was re ceived from the Senate informing the House that the Senate had concurred in the proposition to raise a joint select committee on per diem, and designating Messrs. Stanford, Graham and Holton, as Senate branch of said committee; also designating Messrs. Albright, Waring and Sneed as the Senate branch of Joint Committee on Rules.

Mr. Speaker announced Messrs. Shackelford, Patton, Wheeler, Boyd and Moring, as the House branch of the committee on per diem.

Mr. Speaker Robinson announced the following standing committees:

On Education—Messrs. Mendenhall, Finger, Hicks, Jetton, Wood, Latta, Haymore, Bryan, Page, Blythe, Hill, Bunn and Carter.

Agriculture, Mechanics and Mining—Messrs. Carson, Bryan, Moffitt, Bernheardt of Rowan, Harrison, Etheridge, Martin, Eatman, Thompson of Lincoln, Hurley, Isler, Walden and Hughes.

Railroads, Postroads and Turnpikes-Messrs. Woodhouse,

Hanner, Atwater, Barnett, Hooker, Barrett, Freeman, Davis of Haywood, Mock, Cary and Good.

House Branch of Joint Committee on Insane Asylum-

Messrs. Staples, Strong, Wheeler, Young and Barnett.

House Branch of Joint Committee on Institution of the Deaf, Dumb and Blind—Messrs. Erwin, Mebane, Glenn, Proffit and Dula.

House Branch of Joint Committee on Library—Messrs. Hicks, Mullen, Mosely and Wood.

House Branch of Joint Committee on Enrolled Bills-Messrs. Finger, Mitchell, Parrott, Stephenson and Foote.

By direction of the Speaker, Messrs. Mullen and Haymore were added to the Finance Committee.

On motion of Mr. Boyd, the rules were suspended and the joint resolution, No. 14, in regard to the direct land tax, was taken up, adopted and ordered to be engrossed and sent to the Senate.

On motion of Mr. Pinnix, the rules were suspended and H. B. No. 41, to re-enact sections 24, 25, 26 and 27 of chapter 32, Revised Code, was taken up. The substitute reported by the Judiciary Committee was adopted, and the bill passed its second reading.

Under a suspension of the rules, the bill was taken up on its third reading, when Mr. Strong offered the following substitute for section 5 of the bill:

"That all proceedings heretofore had in any of the courts, which would have been valid under the foregoing provisions, had they been in force, shall be deemed valid as fully as if they had been in full force at all times since their enactment in 1850."

The amendment was adopted.

Mr. Boyd moved to print, and make special order for Tuesday at 12 o'clock, M.

The motion did not prevail.

The bill then passed its third reading, and was ordered to be engrossed and sent to the Senate.

A message was sent to the Senate transmitting engrossed copies of H. B's. Nos. 20, 28, and H. R. No. 5, asking concurrence therein.

On motion of Mr. Walker, of Richmond, the rules were suspended, and H. B. No. 37, to re-enact sections 115 and 116, chapter 31, Revised Code, was taken up, and passed its second reading.

Under a suspension of the rules, the bill came up on its third reading.

Mr. Pinnix offered an amendment, striking out all after the word "trial," in the seventh line of section 115, down to the word "provided" in said section, which was adopted.

The bill then passed its third reading, and was ordered to be engrossed and sent to the Senate.

A message was received from the Senate, transmitting the report of the Joint Committee on Joint Rules, announcing its adoption by that body.

On motion of Mr. Moring, the House concurred in the report.

On motion of Mr. Mizell, the rules were suspended, and H. B. No. 12, for the relief of the sureties of W. W. Moore, late sheriff of Martin county, was taken up.

The following amendment to section 1, reported by the Committee on Propositions and Grievances, was adopted:

"Provided, That this act shall not apply to any person who will make oath that he has paid his taxes for the years aforesaid: And provided further, That this act shall not apply to executors and administrators or guardians."

The bill, as amended, passed its second and third readings, was ordered to be engrossed and sent to the Senate.

Mr. Pinnix moved to reconsider the vote by which H. B.

No. 41, passed its third reading, and moved to lay that motion on the table. Carried.

On motion of Mr. Page, H. R. No. 9, concerning the sale of confections in the rotunda of the Capitol, was taken up and indefinitely postponed.

By consent, Mr. Moring offered a resolution printing 150 copies of the rules; which was adopted under a suspension of the rules.

### CALENDAR.

H. R. No. 2, in regard to the Civil Rights Bill, was taken up, and,

On motion of Mr. Means, made special order for Tuesday next at 12 M.

H. R. No. 7, asking our Representatives in Congress to obtain an appropriation to open the mouth of Scuppernong river, was taken up and adopted, and ordered to be engrossed and sent to the Senate.

H. R. No. 8, asking our Representatives in Congress to secure an appropriation of \$100,000 to erect a Government Post Office and Court House building in Greensboro', was taken up.

Mr. Candler moved to amend by inserting a like amount for the same purpose in Asheville.

Mr. Boyd moved to amend the amendment by saying \$50,000. Adopted.

Mr. Candler's amendment, as amended, was put to a vote and adopted.

The resolution, as amended, was adopted and ordered to be engrossed.

H. R. No. 10, asking our representatives in Congress to secure Federal aid in the completion of the work at the mouth of Cape Fear river, was taken up and adopted.

Mr. Jones, of Halifax, moved to adjourn until Monday, at 11 o'clock A. M. Rejected.

S. R. No. 1, H. R. No. 13, concerning the amendments to

the State Constitution was taken up, and, on motion of Mr. Moring, indefinitely postponed.

H. R. No. 11, in regard to gambling on Fair Grounds, was taken up and adopted.

H. R. No. 12, on adjournment, was taken up, and, on motion of Mr. Norment, made special order for Wednesday next, at 11 o'clock A. M.

On motion of Mr. Moring, the rules were suspended, and the resolution in reference to the printing on stationery was taken up.

Mr. Shackelford moved to postpone until Monday.

Pending final action, the House, on motion of Mr. Lloyd, adjourned until Monday, at 11 o'clock A. M.

# SEVENTH DAY.

Monday, November 23, 1874.

At 11 o'clock, A. M., Mr. Speaker Robinson called the House to order.

Prayer by the Rev. Dr. Atkinson, of the city.

The Journal of yesterday was read, amended and approved.

### REPORTS FROM STANDING COMMITTEES.

Mr. McRae, from the Committee on Internal Improvements, reported upon H. B. No. 21, a bill to charter the Watauga and Caldwell Narrow Gauge Railroad, recommending that it do pass.

Mr. McRae, from the Committee on Judiciary, reported upon H. B. No. 17: To amend chapter 106, section 15, Battle's Revisal, recommending its passage after the adoption of the following amendments:

Insert between the words "that" in the second line of section 1, and the word "section," in the same line, the words "section 17, chapter 105, of the Revised Code."

Also, to further amend by striking out, in section 1, all after

the word "notify."

Mr. Walker, of Richmond, from the Committee on Salaries and Fees, reported upon H. B. No. 49, a bill to give *per diem* to school committees, recommending that it do not pass.

Mr. Finger, from the Committee on Enrolled Bills, reported H. B. No. 14, S. B. No. —, and S. B. No. 3, H. B. No. 36,

as being properly enrolled for ratification.

Mr. Shackelford, from the Committee on Engrossed Bills, reported as correctly engrossed the following bills and resolutions:

H. B. No. 41: Bill to re-enact sections 24, 25, 26 and 27, chapter 32, of Revised Code;

H. R: Concerning the direct tax on land;

H. B. No. 12: For the relief of the sureties of the late sheriff of Martin county;

H. R. No. 7: Asking an appropriation from Congress to open the mouth of Scuppernong river;

H. R. No. 10: Requesting Federal aid to complete the work now in progress at the mouth of Cape Fear river; and

H. R. No. 8: Asking an appropriation from Congress to construct a post-office and court-house building in Greensboro'.

Mr. Shackelford reported back H. B. No. 37: A bill to reenact sections 115, 116, Revised Code, for correct engrossment, and the bill for the present was placed on the Calendar.

### INTRODUCTION OF RESOLUTIONS.

By Mr. Blythe: A resolution instructing our Representatives in Congress, touching the internal revenue laws. Calendar.

### INTRODUCTION OF BILLS.

By Mr. Norment: A bill to amend chapter 132, section 111, Battle's Revisal. Referred to Judiciary Committee. By Mr. Carson: A bill to extend the time of taking out grants from the State. Referred to Judiciary Committee.

By Mr. Shackelford: A bill to amend chapter 171, laws of 1873-'74. Referred to Committee on Propositions and Grievances.

By Mr. Green: A bill to repeal chapter 246, laws of 1870-71. Referred to Committee on Propositions and Grievances.

By Mr. Pinnix: A bill to amend section 9, chapter 65 Battle's Revisal, in relation to liens of mechanics, &c. Referred to Committee on Judiciary.

By Mr. Green: A bill for the relief of John Horton, former sheriff of Watauga county. Referred to Committee on Propositions and Grievances.

By Mr. Boyd: A bill to amend section 1, chapter 90, laws of 1873-'74. Referred to Judiciary Committee.

Mr. Presson was announced as being detained from his seat by sickness.

At the expiration of the morning hour, on motion of Mr. Walker, of Richmond, H. B. No. 37 was taken from the calendar, and the vote by which it passed its third reading was re-considered.

On motion of Mr. Pinnix, the vote by which his amendment offered on Saturday was adopted was re-considered. Mr. Pinnix then offered the following amendment to the bill, which was adopted: Insert after the word "revised" in the last line of section 1, the words, "provided that the words after the word "trial" in the 7th line of section 115, down to the word "provided" in said section shall not be revised by this act;" the bill then passed its third reading, and was ordered to be engrossed and sent to the Senate.

Messrs. Scott, of Jones, and Mitchell, of Franklin, appeared at the Clerk's desk, produced their certificates of election, and were qualified.

The Speaker announced the following Standing Committees:

House Brrnch of Joint Committe on Banks and Currency—Messrs. Means, Johnson, McNeill, Munden and Mizell.

House Branch of Joint Committee on Penal Institutions—Messrs. Dortch, Means, McIver, Hooker and Wood.

House Branch of Joint Committee on Printing—Messrs. Patton, Wiley, Richardson, Garrison and Norment.

House Branch of Joint Committee on Immigration—Messrs. Pinnix, Jessup, Parker, Wells and Williams.

House Branch of Joint Committee on Insurance—Messrs. Mitchell, Barnhardt of Caldwell, Bennett, Barrett and Crews.

On Military Affairs—Messrs. Mebane, Kendall, Davis of Jackson, Ward and White.

Mr. Finger was announced as being relieved from the Committee on Engrossed Bills, and Mr. Wells substituted in his place.

### UNFINISHED BUSINESS.

H. R. No. 17, in reference to the printing on stationary was taken up as unfinished business of yesterday and adopted.

Mr. Gudger moved to reconsider the vote by which H. R. No. 17 was adopted, and moved to lay that motion on the table. Carried.

### CALENDAR.

H. B. No. 11: A bill to repeal chapter 62, Laws of 1873-74, was taken up, and, on motion of Mr. Moring, was indefinitely postponed.

H. B. No. 15: A bill for the better protection of the owners of live stock against railroads, was taken up, and, on motion of Mr. Walker, of Richmond, indefinitely postponed.

H. B. No. 18: A bill to amend the act to incorporate the Diamond Cotton Chopper and Cultivator Company, was taken up and passed its several readings under a suspension of the rules, and was ordered to be engrossed and sent to the Senate.

H. B. No. 27: A bill to amend chapter 60, section 28, Battle's Revisal, was taken up. The following amendment, reported by the Judiciary Committee, to whom the bill was referred, was adopted: Insert in line three, after the words "that" and "Battle's Revisal," the words "chapter 162, sec. 28, of the acts of the General Assembly of North Carolina of 1868-'69, as brought forward in."

The bill then passed its second reading.

Mr. Boyd moved to re-commit the bill to the Judiciary Committee, but withdrew the motion by the consent of the House.

Under a suspension of the rules, the bill passed its third reading and was ordered to be engrossed and sent to the Senate.

H. B. No. 50: A bill to amend sec. 15, chapter 105, Battle's Revisal, was taken up.

The substitute reported by the Committee on Salaries and Fees, to whom the bill was referred, was adopted.

The question recurred upon the passage of the bill upon its second reading.

Mr. Woodhouse moved to amend by striking out two dollars per day as a compensation of surveyors and insert three dollars per day. The amendment was rejected.

Mr. King moved to exempt the counties of Cherokee and Graham from the provisions of the bill.

Mr. Bryson moved to exempt Swain.

Mr. Davis, of Haywood, moved to exempt Haywood.

Mr. Davis, of Jackson, moved to exempt Jackson.

Mr. Foote moved to exempt Wilkes.

Mr. Trivett moved to exempt Ashe.

Mr. Hicks moved to exempt Clay.

Mr. Gash moved to exempt Transylvania.

Mr. Moore moved to exempt New Hanover.

Mr. Bryson moved to exempt Macon.

Mr. Green moved to exempt Watauga, when,

On motion of Mr. Walker, of Richmond, the bill and

amendments were re-committed to the Committee on Salaries and Fees.

H. R. No. 16, in regard to furnishing members of the General Assembly with Battle's Revisal was taken up.

Mr. Hanner moved to strike out the words "Justices of the Peace." Adopted. The resolution was then adopted.

H. R. No. 15: A resolution requesting the Governor to furnish the General Assembly with Battle's Revisal, was taken up, and, on motion of Mr. Norment, laid on the table.

A message was received from the Senate transmitting the following bills and resolutions:

- S. B. No. 16: To amend chapter 33, Battle's Revisal;
- S. B. No. 18: A bill in favor of T. W. Taylor, late sheriff of Henderson county;
- S. B. No. 20: A bill to empower the constable of Shelby, Cleaveland county, to collect arrears of taxes;
- S. B. No. 19: A bill to be entitled an act to allow Clifton Ward, late sheriff of Sampson county, to collect arrears of taxes;
- S. B. No. 17: A bill to authorize the commissioners of Tyrrell county to sell the present poor house lot, and to purchase another.
- S. R. No. 5: A resolution concerning State debt, and S. R. No. 23: A resolution in favor of promoting the education of the colored race.

The following references were made of the above mentioned bills and resolutions:

- S. B. No. 16: To Judiciary Committee;
- S. B. No. 18: To Committee on Propositions and Grievances;
- S. B. No. 20: To Committee on Propositions and Grievances;
- S. B. No. 19: To Committee on Propositions and Grievances;
  - S. B. No. 17: To Committee on Counties, Cities, &c.;
  - S. R. No. 5: To Committee on Finance;

S. R. No. 23: To Committee on Education.

A message was sent to the Senate transmitting H. B. No. 12, a bill for the relief of the surefies of the late Sheriff of Martin county;

H. B. No. 41: A bill to re-enact sections 24, 25, 26 and 27, chapter 32, Revised Code; and,

H. R. No. 14: Concerning the direct land tax, asking concurrence therein.

Mr. Hanner moved to reconsider the vote by which the resolution to furnish members of the General Assembly with Battle's Revisal was adopted.

Mr. Foote moved to lay that motion on the table.

On the call of Mr. Richardson, the ayes and nays were had, and the motion to table was rejected by a vote of ayes 27, nays 79.

The following gentlemen voted in the affirmative:

Messrs. Brewington, Bunn, Candler, Carson, Carter, Cary, Crews, Elliott, Garrison, Godwin, Good, Griffin, Hicks, Hill, Jones, Lloyd, Mizell, Moore, Munden, Newell, Norment, Scott, Ward, White, Williams and Wood—27.

The following gentlemen voted in the negative:

Messrs. Anderson, Atwater, Barnhardt of Caldwell, Bernheardt of Rowan, Bennett, Bettis, Bizzell, Blythe, Boyd, Bryan, Bryson, Davis of Haywood, Davis of Jackson, Dortch, Eatman, Erwin, Etheridge, Fields, Finger, Freeman, Gaither, Gash, Green, Gudger, Hanner, Harrison, Haymore, Holt, Hooker, Hughes, Hurley, Jessup, Jetton, Kendall, King, Latta, Martin, McCallop, McCubbins, McIver, McNeill, McRae, Means, Mendenhall, Mitchell, Mock, Moffitt, Moring, Moseley, Mullen, Page, Parker, Parrott, Patton, Pinnix, Proffitt, Reid, Richardson, Shackelford, Sharpe, Smith of Anson, Smith of Hyde, Spears, Staples, Staton, Stephenson, Stowe, Strong, Tate, Thompson of Beaufort, Thompson of Lincoln, Trivett, Walden, Walker of Richmond, Walker of Tyrrell, Wells, Whisnant, Whitley, Wiley, Woodhouse and Young—79.

The question recurred on the motion to reconsider.

Mr. Spears moved to postpone until Friday at 12 M.

Mr. Trivett moved to amend the amendment by requesting the Governor to send to the House the number of copies of Battle's Revisal on hand, and for what purpose they are held. Rejected.

The motion to postpone was put to the vote, and rejected.

The question recurred on the motion to reconsider.

On the call of Mr. Walker, of Richmond, the ayes and nays were had, and the motion carried by a vote of ayes 76, nays 30.

The following gentlemen voted in the affirmative:

Messrs. Anderson, Atwater, Barnhardt of Caldwell, Bernheardt of Rowan, Bennett, Bettis, Bizzell, Blythe, Boyd, Bryan, Bryson, Candler, Carter, Davis of Haywood, Davis of Jackson, Dortch, Eatman, Erwin, Fields, Finger, Freeman, Gaither, Gash, Green, Griffin, Gudger, Hanner, Harrison, Haymore, Hooker, Hurley, Jessup, Jetton, Kendall, King, Latta, Martin, McCallop, McCubbins, McNeill, McRae, Means, Mendenhall, Mitchell, Mock, Moffitt, Moring, Moseley, Mullen, Page, Parrott, Patton, Pinnix, Proffitt, Reid, Richardson, Shackelford, Sharpe, Smith of Anson, Smith of Hyde, Staples, Staton, Stephenson, Stowe, Strong, Tate, Thompson of Lincoln, Trivett, Walden, Walker of Richmond, Walker of Tyrrell, Wells, Whitley, Wiley, Woodhouse and Young—76.

The following gentlemen voted in the negative:

Messrs. Brewington, Bunn, Carson, Cary, Crews, Elliott, Foote, Garrison, Godwin, Good, Hicks, Hill, Hughes, Jones, Lloyd, Mizell, Moore, Munden, Newell, Norment, Parker, Scott, Spears, Thompson of Beaufort, Ward, Wheeler, Whisnant, White, Williams and Wood—30.

The question then recurred on the adoption of the resolution; when,

On motion of Mr. Moring, the whole matter was indefinitely postponed.

By consent, Mr. Pinnix introduced a resolution requesting the agent for the sale of Battle's Revisal to place on the desk of each member of the House, a copy of said Revisal for use during the session; to be returned at the expiration of said session. Placed on the Calendar.

H. R. No. 19: Requesting our Representatives in Congress to secure indemnity for the destruction of the court-house in Davidson, was taken up, adopted, ordered to be engrossed and sent to the Senate.

On motion of Mr. Walker, of Richmond, the rules were suspended, and the resolution requesting the agent for the sale of Battle's Revisal, to furnish copies, &c., was taken up.

Mr. Means moved to amend by making each member responsible for the damage done to the copy of the Revisal in his possession.

Mr. Boyd moved to amend the amendment, as follows:

"Provided, That any member who takes a copy of Battle's Revisal, under this resolution, shall pay to the State Treasurer as a part of the fund for educational purposes, the amount of per diem which said member shall receive for one day."

Mr. Pinnix moved the previous question, but the call was not sustained.

On motion of Mr. Foote, the whole matter was laid on the table.

H. R. No. 18, in regard to a uniform rate of interest, was taken up, and, on motion of Mr. Moring, referred to the Judiciary Committee.

Mr. Hill was granted a leave of absence for one week on account of sickness in his family.

The Speaker announced the ratification of H. B. No. 14, S. B. No. —, and H. B. No. 36, S. B. No. 3.

On motion of Mr. Gudger, the House adjourned until tomorrow at 11 o'clock A. M.

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# EIGHTH DAY.

Tuesday, November 24, 1874.

At 11 A. M., the House was called to order. Mr. Speaker Robinson in the Chair.

The Journal of yesterday was read and approved.

## REPORTS OF STANDING COMMITTEES.

Mr. Strong, from the Judiciary Committee, reported upon H. B. No. 55, a bill to amend chapter 65, section 3, Battle's Revisal, recommending that it do not pass; H. B. No. 35, a bill to amend chapter 176, laws of 1873-'74, that it do not pass; H. B. No. 38, a bill to amend chapter 27, section 5, Battle's Revisal, that it do not pass; H. B. No. 44, a bill to amend the act to establish the days for selling real estate, chapter 215, section 1, laws of 1869-'70, that it do not pass.

Mr. Richardson, from the Committee on Corporations, reported upon H. B. No. 29, a bill to amend the charter of the town of Lincolnton, recommending that it do pass.

Mr. McRae, from the Committee on Internal Improvements, reported on H. B. No. 30, a bill to amend the charter of the Greenville and French Broad Railroad Company, recommending its passage with the following amendments: "Provided, That the capital stock of such Company shall not exceed the sum of five millions of dollars: Provided further, That said Company shall pro-rate upon mutually reciprocal terms with any and all railroads chartered or which shall hereafter be chartered by the State of North Carolina;" also to strike out section 3 thereof.

Mr. Gudger, from the Committee on Propositions and Grievances, reported upon the following bills: H. B. 62, a bill to repeal chapter 246, laws of 1870-'71, a substitute therefor; H. B. 56, a bill to amend chapter 37, section 2, laws of 1873-'74, that it do pass; H. B. 68, S. B. 18, a bill in favor of

T. W. Taylor, late sheriff of Henderson county, that it do pass; H. B. 69, S. B. 19, a bill in favor of Clifton Ward, late sheriff of Sampson county, that it do pass; H. B. 70, S. B. 20, a bill to authorize the constable of Shelby, Cleaveland county, to collect arrears of taxes, that it do pass; H. B. 58, a bill to repeal a resolution in relation to the North Carolina Manual, that it do pass; H. B. 64, a bill for the relief of John Horton, former sheriff of Watauga, recommending its passage after the adoption of the following proviso to section 1: "Provided, That any person who makes oath that he has settled his taxes for the years aforesaid, shall not be made to pay the same: Provided further, That this shall not apply to guardians, executors or administrators;" H. B. 47, a bill for the relief of James W. Horton, tax collector of Watauga county, that it do pass.

Mr. Gudger, from the same Committee, reported a bill to extend the time for the sheriff of Beaufort county to settle with the Public Treasurer, in accordance with a memorial of the citizens of that county sent before said committee. The bill took its place upon the calendar as H. B. 71.

Mr. Walker, of Richmond, from the Judiciary Committee, reported upon H. B. No. 5, a bill to more effectually punish retailing without license, recommending a substitute therefor.

Mr. Walker, of Richmond, from the Committee on Salaries and Fees, reported upon H. B. No. 51, a bill to raise the compensation of county commissioners, that it do not pass;

H. B. No. 50, a bill to amend section 15 chapter 105, Battle's Revisal, concerning Salaries and Fees, recommending a substitute therefor.

Mr. Shackelford, from the Committee on Engrossed Bills, reported the following bills and resolutions as correctly engrossed: H. R. No. 19, H. B. No. 27, H. B. No. 37, H. R. No. 17, and H. B. No. 18.

#### INTRODUCTION OF RESOLUTIONS.

By Mr. Staples: A resolution in regard to the revenue tax on tobacco. Calendar.

By Mr. Cary: A resolution concerning Battle's Revisal. Calendar.

By Mr. McCubbins: A resolution in relation to Battle's Revisal. Calendar.

By Mr. Spears: A resolution concerning Battle's Revisal. Calendar.

By Mr. Barnett: A resolution against instructing our Representatives in Congress. Calendar.

#### INTRODUCTION OF BILLS.

By Mr. Scott: A bill to levy a special tax for the county of Jones. Referred to Committee on Finance.

By Mr. Blythe: A bill to allow parties in certain cases to waive their right to claim their Homestead and personal property exemptions. Referred to Committee on Judiciary.

By Mr. Holt: A bill to amend section 13, chapter 131, Bat tle's Revisal. Calendar.

By Mr. Candler: A bill in relation to dogs and hunting. Referred to Judiciary Committee.

By Mr. Griffin: A bill to repeal chapter 234, section 6, laws of 1869-'70. Referred to Judiciary Committee.

By Mr. McRae: A bill to amend the charter of the Carolina Central Railway Company. Referred to Committee on Internal Improvements.

By Mr. McRae: A bill explanatory of section 10, chapter 102, Battle's Revisal. Referred to Judiciary Committee.

By Mr. Good: A bill to incorporate Newbern Golden Link Lodge, No. 1632, G. U. O. of Odd Fellows. Referred to Committee on Corporations.

By Mr. Hurley: A bill to extend the time for Sheriffs and

Tax Collectors to collect taxes. Referred to Committee on Finance.

By Mr. Fields: A bill to repeal section 3, chapter 176, laws of 1873-'74. Referred to Committee on Judiciary.

By Mr. Bennett: A bill to amend the election law. Referred to Committee on Privileges and Elections.

By Mr. Smith, of Anson: A bill to prevent the sale of liquor within two miles of Mt. Olive and Lebanon Churches, in Anson county. Referred to Committee on Propositions and Grievances.

By Mr. Moffitt: A bill to amend chapter 176, laws of 1873-'74. Referred to Judiciary Committee.

By Mr. Norment: A bill to repeal chapter 54, laws of 1871-72. Referred to Committee on Propositions and Grievances.

By Mr. King: A bill to amend section 1, chapter 81, laws of 1868-'69. Referred to Committee on Propositions and Grievances.

By Mr. Griffin: A bill to amend chapter 90, sections 9 and 21, laws of 1872-'73. Referred to Committee on Education.

By Mr. Kendall: A bill to amend chapter 104, section 15, Battle's Revisal. Referred to Committee on Railroads, Postroads and Turnpikes.

By Mr. Barnhardt, of Caldwell: A bill to amend section 1, chapter 32, laws of 1872-73. Referred to Committee on Propositions and Grievances.

At the expiration of the morning hour, a message was sent to the Senate transmitting engrossed copies of

H. R. No. 7: In regard to a Congressional appropriation for the mouth of Scuppernong river;

H. R. No. 8: In regard to a government post-office and court-house building in Greensboro; and

H. R. No. 10: In regard to the work at the Cape Fear river bar, asking concurrence therein.

A leave of absence was granted to Messrs. Shackelford and Hooker until Monday next, on account of important business.

On motion of Mr. Thompson, of Beaufort, the rules were suspended, and H. B. No. 71, for the relief of the tax-payers of Beaufort county, was taken up and passed its severel readings, ordered to be engrossed and sent to the Senate.

#### CALENDAR.

H. B. No. 17: A bill to amend chapter 106, section 15, Battle's Revisal, was taken up.

The following amendment, reported by the Judiciary Committee, was adopted:

Insert between the words "that," in second line of section 1, and the word "section," in the same line, the words "section 17, chapter 105, of the Revised Code," and strike out in section 1, all after the word "ratified."

The bill passed its several readings under a suspension of the rules, and was ordered to be engrossed and sent to the Senate.

At 12 M. the special order, the preamble and resolutions in regard to the Civil Rights bill, was announced.

On motion of Mr. Erwin, the special order was postponed for one hour.

The calendar was resumed.

H. B. No. 21: A bill to charter the Watauga and Caldwell Narrow Gauge Railroad, was taken up.

Mr. Oaksmith offered the following amendment, which was accepted:

"This charter is granted upon the condition that any railroad heretofore, or may be hereafter chartered by this State, shall have the right to connect with said railroad, and to the interchange of traffic and pro-rating upon mutual reciprocal terms." The bill passed its several readings under a suspension of the rules, was ordered to be engrossed and sent to the Senate.

H. B. No. 49: A bill to give per diem to school committees was taken up.

Mr. Means offered a substitute therefor.

Mr. Cary moved to amend the substitute by striking out the words "five dollars," and insert in lieu thereof, "twenty-five dollars."

Mr. Moring moved to indefinitely postpone.

Mr. Lloyd moved to amend by postponing till Saturday, but afterwards withdrew the motion.

Mr. Walker, of Richmond, moved the previous question, and the call was sustained.

The question recurred on the motion to indefinitely postpone, and it prevailed.

H. R. No. 22: A resolution instructing our Representatives in Congress touching the internal revenue laws, was taken up and adopted.

On motion of Mr. Staples, the rules were suspended and H. R. No. 27, a resolution in reference to the United States tax on tobacco, was taken up and adopted.

On motion of Mr. McCubbins, the rules were suspended, and H. R. No. 29, in relation to Battle's Revisal, was taken up and adopted.

A message was sent to the Senate transmitting the following engrossed bills and resolutions:

H. B. No. 37: A bill to re-enact sections 115 and 116, chapter 31, Revised Code;

H. B. No. 27: A bill to amend chapter 60, section 28, Battle's Revisal.

H. R. No. 17: A resolution in regard to the printing on stationery;

H. B. No. 18: A bill to amend the act to incorporate the Diamond Cotton Chopper and Cultivator Company, and

H. R. No. 19: A resolution in regard to securing indemnity

for the destruction of the Court House in Davidson county, asking concurrence therein.

On motion of Mr. Moring, the special order set for 1 o'clock was taken up.

# SPECIAL ORDER,

The preamble and resolutions in regard to the Civil Rights bill, introduced by Mr. Trivett, and the substitute therefor offered by Mr. Means. The majority report of the Select Committee to whom this matter was referred, reporting in favor of the adoption of the substitute was read; also that of the minority, recommending the adoption of the original.

Pending any final action, the House, on motion of Mr. Oaksmith, adjourned until to-morrow at 11 o'clock, A. M.

# NINTH DAY.

WEDNESDAY, November 25th, 1874.

The House met at 11 o'clock, according to adjournment, Mr. Speaker Robinson in the chair.

The Journal of yesterday was read and approved.

#### REPORTS FROM STANDING COMMITTEES.

Mr. Woodhouse, from the Committee on Post Roads, Turnpikes, &c., reported favorably on H. B. No. 16, an act amendatory to an act to lay out and construct a road through the counties of Alleghany and Ashe, ratified the 1st day of March, 1870; also favorably on H. B. No. 52: A bill to amend section 15, chapter 104, Battle's Revisal, entitled Roads, Ferries and Bridges; also on H. B. No. 88: A bill to amend chapter 104, section 15, of Battle's Revisal, concerning road law.

Mr. Tate, from the Committee on Finance, reported favorably on S. R. No. 5, H. R. No. 24, concerning the State debt; on H. B. No. 80: A bill to extend the time of sheriffs and tax collectors to collect arrears of taxes, recommending the passage of the bill, with amendments; and unfavorably on H. B. No. 32, to extend the time allowed sheriffs and tax collectors to settle with the Auditor and Public Treasurer; on H. R. No. 3: A resolution for the adjustment of the public debt; and H. R. No. 4: A resolution extending the time of sheriffs and tax collectors to pay over the county taxes.

Mr. McRae, from the Committee on Judiciary, reported favorably on H. B. No. 26, concerning the homestead and personal property exemptions; and H. B. No. 13: A bill to amend sections 264, 265, 270 and 273 of the Code of Civil Procedure, and reported amendments to the same.

Mr. Carson, from the Committee on Agriculture and Mining, reported favorably on H. B. No. 8, to protect laborers.

Mr. Finger, from the Committee on Enrolled Bills, reported that the following had been correctly enrolled, to-wit: Joint resolution concerning the direct tax levied and collected, by the Federal Government, on lands in the year 1865, and joint resolution on constitutional reform.

Mr. King, from the Committee on Engrossed Bills, reported that H. Bs. No. 17 and 71, and H. Rs. No. 22 and 27, are correctly engrossed.

## INTRODUCTION OF RESOLUTIONS.

Mr. Tate: A resolution of inquiry asking his Excellency the Governor for information. Calendar.

Mr. Erwin: A resolution in relation to the seat of the member from Carteret. Calendar.

## INTRODUCTION OF BILLS.

Mr. King: A bill extending the time of Sheriffs and Tax Collectors for settling with the county and State Treasurer. Finance.

Mr. Good: A bill to incorporate the Newbern Collegiate

Singing Club. Corporations.

Mr. Walker, of Richmond: A bill to require personal representatives to give bond, pending caveat of wills, and for other purposes. Judiciary.

Mr. Boyd: A bill for the speedy and economical execution

of the public printing of the State. Printing.

Mr Dortch: A bill to punish the wilful burning of houses. Judiciary.

Mr. Hughes: A bill to create a laborers' and Mechanics' lien law, and for other purposes. Judiciary.

Mr. Moore asked leave of absence for Mr. Brewington for five days, on account of sickness.

The Speaker announced the expiration of the morning hour.

Leave of absence was allowed Mr. McRae for Friday and Saturday, and Mr. Parrott from and after to-day until Monday next.

Indefinite leave was granted Mr. Mitchell on account of sickness.

The Speaker announced the following as the House Branch of the Committee on Public Buildings and Grounds: Messrs. Wheeler, Stephenson, Parrott, Blythe and Hurley.

The unfinished business of yesterday, the preamble and resolutions on the Civil Rights Bill, was taken up. The original resolution was read, and also the substitute reported by the Committee. Debate was had thereon until the hour for the special order arrived, which was announced by the Speaker.

The special order was postponed and the subject under de-

bate was resumed.

Mr. Means called the previous question on his substitute.

The motion for the previous question was sustained, and the substitute of the committee was adopted by a vote of ayes 76, nays, 29.

The following gentlemen voted in the affirmative:

Messrs, Anderson, Atwater, Ballard, Barnhardt of Caldwell.

Bernheardt of Rowan, Barrett, Bennett, Bettis, Bizzell, Bryan, Carson, Davis of Haywood, Davis of Jackson, Dortch, Eatman, Erwin, Etheridge, Fields, Finger, Freeman, Gaither, Garrison, Green, Griffin, Gudger, Hanner, Harrison, Haymore, Holt, Hurley, Isler, Jessup, Jetton, Johnson, Kendall, Latta, Martin, McCallop, McCubbins, McIver, McNeill, McRae, Means, Mendenhall, Mock, Moffitt, Moring, Moseley, Mullen, Page, Parrott, Patton, Pinnix, Presson, Proffitt, Reid, Richardson, Sharpe, Smith of Anson, Smith of Hyde, Spears, Staples, Staton, Stephenson, Stowe, Strong, Tate, Thompson of Beaufort, Thompson of Lincoln, Walker of Richmond, Walker of Tyrrell, Wells, Whitley, Wiley, Woodhouse and Young—76.

The following gentlemen voted in the negative:

Messrs. Barnett, Blythe, Boyd, Bryson, Bunn, Candler, Carter, Cary, Crews, Elliott, Foote, Gash, Good, Hughes, Jones, King, Lloyd, Mizell, Moore, Newell, Norment, Parker, Trivett, Walden, Ward, Wheeler, Whisnant, White and Williams—29.

On the passage of the resolutions Mr. Pinnix offered an amendment which was ruled in order by the Speaker and read, and the amendment was accepted by Mr. Means.

Mr. Wood offered an amendment, which Mr. Speaker ruled out of order, it not being germane to the question.

The resolutions amended by the amendment of Mr. Pinnix were adopted.

Mr. Gudger asked leave to introduce a joint resolution on adjournment, and the rules being suspended, it was adopted and ordered to be sent to the Senate without engrossment.

Mr. Strong, from the Judiciary Committee, asked leave to make a report on H. B. No. 2, recommending the passage of certain amendments.

Leave of absence was granted Mr. Carter until Saturday.

Mr. Oaksmith moved to suspend the rules and take up H. R. No. 33.

Mr. Strong moved to amend the resolution by striking out the words "select committee," and inserting the words "refer to the Committee on Privileges and Elections," which was adopted.

The special order being H. R. No. 12, in favor of adjourn-

ment, was taken up.

Mr. Carson moved to postpone consideration.

On motion, the resolution was laid on the table.

The calendar was taken up.

H. B. No. 29, being a bill to amend the charter of the town of Lincolnton, was put on its second reading and passed.

A message from the Senate was received concurring in the proposition of the House, that the General Assembly adjourn when it do adjourn, to Friday, at 11 o'clock, A. M.

Mr. Means moved to reconsider the vote by which the resolution in regard to Civil Rights, was adopted.

Mr. Norment moved to lay that motion on the table, which was not carried, and the motion to reconsider was adopted.

Mr. Staples offered an amendment making some verbal changes, which amendment was adopted, and the ayes and nays were called on the final adoption of the resolution, and resulted as follows. Ayes 81; nays 20.

The following gentlemen voted in the affirmative:

Messrs. Anderson, Atwater, Barnhardt of Caldwell, Bernheardt of Rowan, Barrett, Bennett, Bettis, Bizzell, Bryan, Bryson, Candler, Carson, Davis of Haywood, Davis of Jackson, Dortch, Eatman, Erwin, Etheridge, Fields, Finger, Freeman, Gaither, Garrison, Gash, Green, Griffin, Gudger, Hanner, Harrison, Haymore, Hicks, Hill, Holt, Hurley, Isler, Jessup, Jetton, Johnston, Kendall, King, Latta, Martin, McCallop, McCubbins, McIver, McNeill, McRae, Means, Mendenhall, Mock, Moffitt, Moring, Moseley, Mullen, Norment, Oaksmith, Page, Patton, Pinnix, Presson, Proffitt, Reid, Richardson, Sharpe, Smith of Anson, Smith of Hyde, Spears, Staples, Stephenson, Stowe, Strong, Tate, Thompson of Beaufort, Thompson of Lincoln, Trivett, Walker of Richmond, Walker of Tyrrell, Wells, Whitley, Wiley and Woodhouse—81.

The following gentlemen voted in the negative:

Messrs. Barnett, Blythe, Boyd, Bunn, Carter, Cary, Crews, Foote, Good, Hughes, Jones, Lloyd, Moore, Newell, Ward, Wheeler, Whisnant, White, Williams and Wood—20.

Mr. Norment moved to reconsider the vote by which the resolution passed.

Mr. Means moved to lay that motion on the table, which was carried, and the resolution was ordered to be engrossed and sent to the Senate.

Mr. Staples moved to suspend the rules, and take up H. B. No. 2, to amend public laws of 1872–73, in relation to amnesty. The rules were suspended and the bill was taken up, but before action thereon the motion to adjourn was made, but before adjournment, the Committee on Rules of Order made a report which was adopted, and the rules ordered to be printed.

The House then adjourned until Friday morning at 11 o'clock.

# TENTH DAY.

FRIDAY, November 27th, 1874.

The House met at 11 A. M. Mr. Speaker Robinson in the chair.

The Journal of yesterday was read, corrected and approved. Mr. Boyd moved that Mr. Glenn, of Yadkin county, be allowed to come forward and qualify. Mr. Glenn came forward and was duly sworn, and took his seat as a member of this House.

Indefinite leave of absence was granted to Mr. Williams, of Warren, on account of sickness.

Leave was granted Mr. Dortch until Monday next, on account of important private business, and to Mr. Holt for one day.

#### REPORTS OF STANDING COMMITTEES.

Mr. Means, from the Judiciary Committee, reported unfavorably on H. B. No. 59, a bill to amend chapter 32, section 111, Battle's Revisal; unfavorably on H. B. No. 63, a bill to amend section 9, chapter 65, of Battle's Revisal, in relation to liens of mechanics and others; and reported H. B. No. 39, a bill to amend title 7, section 82, Code of Civil Procedure, with a substitute therefor.

Mr. Strong, from the same Committee, reported unfavorably on H. B. No. 7, a bill to amend chapter 181, public laws of 1872-'73; unfavorably on H. B. No. 40, a bill to repeal section 9, laws of 1868-'69; and on H. B. No. 43, to repeal an act passed at the session of 1872-'73, chapter 73, with the recommendation that it be referred to the Committee on Railroads, Post Roads and Turnpikes, and it was so referred.

Mr. King, from the Committee on Engrossed Bills, reported the following as correctly engrossed: H. B. No. 21, a bill to be entitled an act to charter the Watauga and Caldwell Narrow Gauge Railroad, and H. R. No. 2, in relation to the Civil Rights bill.

#### INTRODUCTION OF RESOLUTIONS.

By Mr. Blythe: A resolution of instruction to the Committee on the Judiciary, touching Battle's Revisal. Placed on the calendar.

By Mr. Pinnix: A resolution of instruction to the Committee on Finance. Placed on the calendar.

By Mr. Tate: A resolution to appoint a Joint Select Committee to take lists of bonds and coupons in Treasurer's office. Referred to the Committee on Finance.

By Mr. Norment: A resolution of instruction to his Excellency the Governor, in relation to the destruction of Tuscumbia, Ala. Calendar.

By Mr. Page: A resolution in regard to collecting public arms. Calendar.

By Mr. Strong: A resolution instructing the Treasurer to pay to the Public Printer the amount detained by the Treasurer by reason of failure to have the laws and journals published within the time prescribed by law. Calendar.

Mr. Norment rose to a question of privilege in regard to the incorrect report of his remarks on the Civil Rights resolutions, in a public journal.

Mr. Tate also rose to a question of privilege in relation to a speech delivered on last night in Metropolitan Hall, by Josiah Turner, Jr., Esq., in connection with H. B. No. 46.

Mr. Foote, on behalf of himself and others, presented a protest against the passage of the resolutions in relation to Civil Rights, which protest was asked to be placed on the Journals of the House, and was so allowed:

# PROTEST.

The undersigned, having voted against the substitute introduced by the Representative from Cabarrus for the resolution offered by the Representative from Ashe, in relation to "Civil Rights" and the late Democratic triumph aver, that we are not in sympathy with any of the provisions of the "Civil Rights bill." We deprecate its introduction and earnestly hope it may not become a law. We could not support the substitute without stultifying ourselves; because it expresses an exultation over the recent political victories, which we frankly confess our inability to appreciate; while, in some individual instances we rejoice at the defeat of improper men. Again: The said substitutes declares that the National Administration is "corrupt and vindictive," which we do not believe. We,

therefore, present this, our protest, and respectfully ask that it be spread upon the Journal.

(Signed)

JAMES H. FOOTE,
W. H. WHEELER,
JAMES E. BOYD,
SOLOMON PARKER,
WILLIAM T. WARD,
JAMES BLYTHE,
ELI WHISNANT,
JOHN Q. A. WARD,
SAMUEL C. BARNETT.

Mr. Means rose to a question of privilege in relation to his action on the Civil Rights resolution.

## INTRODUCTION OF BILLS.

By Mr. Mendenhall: A bill to provide for clerical aid and traveler's expenses for the Superintendent of Public Instruction. Salaries and Fees.

By Mr. Richardson: A bill to amend an act to incorporate the Cape Fear Agricultural Association, ratified the 20th of April, 1869. Corporations.

By Mr. Fields: A bill to amend sections 1 and 2, chapter 57, laws of 1868. Judiciary.

By Mr. Davis, of Haywood: A bill to amend chapter 97, section 8, Revised Code. Judiciary.

By Mr. Dortch: A bill providing for two additional terms for the Superior Court of Wayne. Judiciary.

By Mr Crews: A bill to amend chapter 102, section 63, Battle's Revisal. Finance.

By Mr. Patton: A bill giving the right of redemption to debtors, &c. Judiciary.

By Mr. Davis, of Haywood: A bill authorizing the making a turnpike road in Haywood county. Railroads, Post Roads and Turnpikes.

By Mr. Stephenson: A bill to change the name of the North

Carolina Iron and Steel Company. Calendar.

Mr. Boyd asked leave to withdraw H. B. No. 93, for the more economical execution of the public printing, and place it on the calendar, and on his motion called for the ayes and nays, and the vote was taken and resulted in ayes 27, nays 78.

The following gentlemen voted in the affirmative:

Messrs. Barnett, Boyd, Bunn, Cary, Crews, Foote, Glenn, Godwin, Good, Hicks, Hughes, Jones, King, Lloyd, Mizell, Munden, Newell, Norment, Parker, Spears, Trivett, Walden, Ward, Wheeler, Whisnant, White and Wood—27.

The following gentlemen voted in the negative:

Messrs. Anderson, Atwater, Ballard, Barnhardt of Caldwell, Bernheardt of Rowan, Barrett, Bennett, Bettis, Bizzell, Blythe, Bryant, Bryson, Candler, Davis of Haywood, Davis of Jackson, Dortch, Eatman, Elliott, Erwin, Etheridge, Fields, Finger, Freeman, Gaither, Garrison, Gash, Green, Griffin, Gudger, Hanner, Harrison, Haymore, Holt, Hurley, Isler, Jessup, Jetton, Johnston, Kendall, Latta, Martin, McCallop, McCubbins, McIver, McNeill, Means, Mebane, Mendenhall, Mock, Moffitt, Moring, Moseley, Mullen, Oaksmith, Page, Parrott, Patton, Pinnix, Presson, Proffitt, Reid, Richardson, Sharpe, Smith of Anson, Smith of Hyde, Staples, Staton, Stephenson, Stowe, Strong, Thompson of Beaufort, Thompson of Lincoln, Walker of Richmond, Walker of Tyrrell, Wells, Whitley, Wiley, Woodhouse and Young—78.

Mr. Barnett then moved to suspend the rules, and take up the bill, which motion was lost by the following vote.

The following gentlemen voted in the affirmative:

Messrs. Barnett, Blythe, Boyd, Bryson, Bunn, Candler, Carson, Cary, Crews, Davis of Haywood, Davis of Jackson, Foote, Garrison, Gash, Glenn, Godwin, Good, Harrison, Hughes, Jones, King, Lloyd, Martin, Mizell, Moore, Munden, Newell, Norment, Parker, Walden, Ward, Wheeler, Whisnant, White and Wood—35.

The following gentlemen voted in the negative:

Messrs. Anderson, Atwater, Ballard, Barnhardt of Caldwell, Bernheardt of Rowan, Barrett, Bettis, Bizzell, Bryan, Dortch, Eatman, Elliott, Erwin, Etheridge, Finger, Freeman, Gaither, Green, Griffin, Gudger, Hanner, Haymore, Holt, Hurley, Jessup, Jetton, Johnston, Kendall, Latta, McCallop, McCubbins, McIver, McNeill, Means, Mebane, Mendenhall, Mock, Moffitt, Moring, Moseley, Mullen, Oaksmith, Page, Patton, Pinnix, Presson, Proffitt, Reid, Richardson, Sharpe, Smith of Anson, Smith of Hyde, Spears, Staples, Staton, Stephenson, Stowe, Strong, Thompson of Beaufort, Thompson of Lincoln, Walker of Richmond, Walker of Tyrrell, Wells, Whitley, Wiley, Woodhouse and Young—67.

A message from the Senate was received transmitting the following bills and resolutions:

C. D. N. 97 A 121

S. B. No. 37: A bill concerning the Board of Commissioners of Wake county;

S. B. No. 36: A bill in relation to Wake Workhouse or House of Correction; and

S. R. No. 45: A joint resolution providing that the question of the settlement or adjustment of the State debt shall not be considered except in secret session.

The Speaker announced the following Committees:

House Branch of Joint Select Committee on Constitutional Reform—Messrs. Moring, Strong, Wiley, Wheeler, Boyd, Reid, Gudger, King, Moseley, Thompson of Lincoln, Trivett, Sharpe and Parker.

House Branch of Joint Select Committee on Public Debt—Messrs. Mendenhall, Erwin, Moring, Tate, McRae, Bryson, Munden, Candler, Richardson, Mullen, Barrett and Foote.

## SENATE BILLS ON SECOND READING.

S. B. No. 18, H. B. No. 68: A bill to allow T. W. Taylor, late sheriff of Henderson county, to collect arrears of taxes, was put on its second reading and passed; and there being no

objection, it was put on its third reading, passed, and ordered to be enrolled.

S. B. No. 19, H. B. No. 69: A bill to allow Clifton Ward, late sheriff of Sampson county, to collect arrears of taxes, was put on its second reading and passed; and there being no objection, it was put upon its third reading, passed, and was ordered to be enrolled.

S. B. No. 20, H. B. No. 70: A bill to authorize and empower the constable of Shelby, Cleaveland county, was put on its second reading and passed; and there being no objection, it was put on its third reading, passed, and ordered to be enrolled.

H. B. No. 29: A bill to amend the charter of the town of

Lincolnton, was taken up on its third reading.

Mr. Mendenhall moved it be referred to the Committee on Judiciary, and it was so referred.

## THE UNFINISHED BUSINESS.

H. B. No. 2: A bill for amnesty and pardon, was taken up on its second reading.

Mr. Barnett moved to postpone till Wednesday next, and make it special order for 12 o'clock and to print. Lost.

Mr. Barnett offered an amendment to insert after the word "rape" the word "murder," and called for the ayes and nays.

The vote was taken on Mr. Barnett's amendment, and it was lost by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Barnett, Blythe, Bunn, Candler, Carson, Cary, Crews, Fields, Foote, Garrison, Glenn, Godwin, Good, Harrison, Hughes, Jones, Lloyd, Mizell, Munden, Newell, Parker, Walden, Ward, Wheeler, Whisnant, White and Wood—27.

The following gentlemen voted in the negative:

Messrs. Anderson, Atwater, Ballard, Barnhardt of Caldwell, Bernheardt of Rowan, Barrett, Bennett, Bettis, Bizzell, Boyd, Bryan, Bryson, Davis of Haywood, Davis of Jackson, Dortch, Eatman, Elliott, Erwin, Finger, Freeman, Gaither, Gash, Green, Griffin, Gudger, Hanner, Haymore, Holt, Hurley, Isler, Jessup, Jetton, Johnston, Kendall, Latta, Martin, McCallop, McCubbins, McIver, McNeill, Means, Mebane, Mendenhall, Mock, Moffitt, Moring, Moseley, Mullen, Norment, Oaksmith, Page, Patton, Pinnix, Presson, Proffitt, Reid, Richardson, Sharpe, Smith of Anson, Smith of Hyde, Spears, Staples, Staton, Stephenson, Stowe, Strong, Tate, Thompson of Beaufort, Thompson of Lincoln, Trivett, Walker of Richmond, Walker of Tyrrell, Wells, Whitley, Wiley, Woodhouse and Young—77.

Mr. Staples demanded the previous question, and the main question was put.

Before the call of the roll, Mr. Means gave notice of an amendment, which was accepted by Mr. Staples.

The question recurred on the passage of the bill on its second reading.

The ayes and nays were called, and the following is the ballot:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Atwater, Ballard, Barnhardt of Caldwell, Bernheardt of Rowan, Barrett, Bennett, Bettis, Bizzell, Boyd, Bryan, Bryson, Davis of Haywood, Davis of Jackson, Dortch, Eatman, Elliott, Erwin, Etheridge, Fields, Finger, Freeman, Gaither, Gash, Green, Griffin, Gudger, Hanner, Harrison, Haymore, Holt, Hurley, Isler, Jessup, Jetton, Johnston, Kendall, Latta, Martin, McCallop, McCubbins, McIver, McNeill, Means, Mebane, Mendenhall, Mizell, Mock, Moffitt, Moring, Moseley, Mullen, Norment, Oaksmith, Page, Patton, Pinnix, Presson, Proffitt, Reid, Richardson, Sharpe, Smith of Anson, Smith of Hyde, Spears, Staples, Staton, Stephenson, Stowe, Strong, Tate, Thompson of Beaufort, Thompson of Lincoln, Walker of Richmond, Walker of Tyrrell, Wells, Whitley, Wiley, Woodhouse and Young—80.

The following gentlemen voted in the negative:

Messrs. Barnett, Blythe, Bunn, Candler, Carson, Cary, Crews, Foote, Garrison, Glenn, Godwin, Good, Hughes, Jones, Lloy

Munden, Newell, Parker, Trivett, Walden, Ward, Wheeler, Whisnant and White—24.

And the bill passed its second reading.

Mr. Staples moved to suspend the rules, and put the bill on its final reading, and called the previous question.

The call was sustained, and the bill then passed its third reading by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Atwater, Ballard, Barnhardt of Caldwell, Bernheardt of Rowan, Barrett, Bennett, Bettis, Bizzell, Boyd, Bryan, Bryson, Davis of Haywood, Davis of Jackson, Dortch, Eatman, Elliott, Erwin, Fields, Finger, Freeman, Gaither, Gash, Green, Griffin, Gudger, Hanner, Harrison, Haymore, Holt, Hurley, Isler, Jessup, Jetton, Johnston, Kendall, Latta, Martin, McCallop, McCubbins, McIver, McNeill, Means, Mebane, Mendenhall, Mizell, Mock, Moffitt, Moring, Moseley, Mullen, Norment, Oaksmith, Page, Parrott, Patton, Pinnix, Presson, Proffitt, Reid, Richardson, Sharpe, Smith of Anson, Smith of Hyde, Spears, Staples, Staton, Stephenson, Stowe, Strong, Tate, Thompson of Beaufort, Thompson of Lincoln, Walker of Richmond, Walker of Tyrrell, Wells, Whitley, Wiley, Woodhouse and Young—80.

The following gentlemen voted in the negative:

Messrs. Barnett, Blythe, Bunn, Candler, Carson, Cary, Crews, Foote, Garrison, Glenn, Godwin, Good, Hughes, Lloyd, Moore, Munden, Newell, Parker, Trivett, Walden, Ward, Wheeler, Whisnant, White and Wood—25.

Mr. Staples moved to reconsider the vote by which the bill was passed, and to lay that motion on the table, which was carried; and the bill was then ordered to be engressed.

A message was received from the Senate transmitting a bill for the relief of the tax-payers of Craven county. The rules were suspended, and the bill was put on its second reading and passed; and there being no objection, was put on its third reading, passed, and ordered to be enrolled.

On motion of Mr. Strong the use of the Hall was granted

to Dr. LaFar to-night, for the purpose of a public lecture.

Leave of absence was granted to Mr. Godwin for three days. On motion, the House adjourned until to-morrow at 11 o'clock.

# ELEVENTH DAY.

Bearing of the court and the transfer tomore low after the holds are

SATURDAY, November 28th, 1874.

The House met at 11 A. M. Mr. Speaker Robinson in the chair.

The Journal of yesterday was read, corrected and approved.

# MEMORIALS.

Mr. Gudger presented a memorial from the citizens of Madison, to accompany bill to be introduced. Referred to Committee on Propositions and Grievances.

#### REPORTS OF STANDING COMMITTEES.

Mr. Finger, from the Committee on Enrolled Bills, reported the following as correctly enrolled:

Resolution in regard to printing on all stationery used by the General Assembly, the name of the house in which it is to be used;

Resolution of instruction to our Senators and Representatives in Congress concerning the Cape Fear river bar;

A bill to repeal an act entitled an act to provide for the payment of the interest on the lawful debt of the State;

Resolution of instruction to the Senators and Representatives in the United States Congress from North Carolina; A joint resolution asking an appropriation by the Congress of the United States for the construction of a court-house and post-office building in the cities of Greensboro' and Asheville;

Resolution of instruction to our Senators and Representatives in Congress touching the internal revenue laws of the United States:

A bill entitled an act to extend the time of the sheriff of Beaufort county to settle with the Public Treasurer;

Resolution requesting our Senators and Representatives in Congress to obtain an appropriation from the Congress of the United States to open the mouth of the Cape Fear river;

A resolution requesting our Senators and Representatives in Congress to use their influence to have repealed the tax on tobacco;

A resolution raising Committee on Constitutional Reform;

A joint resolution concerning the direct tax levied and collected by the Federal Government on lands in the year 1865;

A bill for the relief of the tax payers of Craven county.

Mr. King, from the Committee on Engrossed Bills, reported the following as correctly engrossed:

H. B. No. 2: A bill to amend chapter 2, section 181, Public Laws of 1872-'73, entitled an act for Amnesty and Pardon, Battle's Revisal.

Mr. Richardson, from the Committee on Corporations, reported favorably on H. B. No. 105, to amend an act to incorporate the Cape Fear Agricultural Association.

Mr. Gudger, from the Committee on Propositions and Grievances, reported favorably on

H. B. No. 89: A bill to amend section 1, chapter 32, laws of 1872-73; favorably on

H. B. No. 85: A bill to repeal chapter 54, laws of 1871-'72.

## INTRODUCTION OF RESOLUTIONS.

By Mr. Harrison: A joint resolution in relation to the bankrupt law. Propositions and Grievances.

#### INTRODUCTION OF BILLS.

By Mr. Hanner: A bill to amend chapter 30 as brought forward in Battle's Revisal. Judiciary.

Mr. Proffitt: A bill to provide for the payment of jurors in different parts of the State. Propositions and Grievances.

Mr. Erwin: A bill to amend section 382, chapter 3, title 5, Battle's Revisal. Judiciary.

Mr. Erwin: A bill for the relief of the tax payers of Burke and McDowell counties. Judiciary.

Mr. Glenn: A bill to repeal section 7, chapter 176, public laws of 1873-'74. Judiciary.

Mr. Mebane: A bill to amend Battle's Revisal, chapter 198, section 199, in relation to attachment. Judiciary.

Mr. Davis, of Haywood: A bill to require solicitors to follow up and prosecute, &c. Judiciary.

Mr. Gudger: A bill to prohibit the sale of intoxicating liquors within three miles of Little Ivey Union Church. Propositions and Grievances.

Mr. Isler: A bill to establish the rate of interest and to repeal chapter 114 of Battle's Revisal. Banks and Currency.

Mr. Barnhardt, of Caldwell: A bill to repeal chapter 91, laws of 1869-'70. Judiciary.

Mr. Bunn: A bill to prevent the selling or giving away of intoxicating liquors within one mile of Red Hill Colored Church, Edgecombe county. Judiciary.

Mr. Strong: A bill concerning Courts of Probate. Judiciary. The Speaker announced the expiration of the morning hour.

The Speaker announced Mr. Glenn as being added to the Committee on the Judiciary.

S. R. No. 45, in relation to the consideration of the State debt in secret session, was taken up.

Mr. Gudger moved that the resolution be indefinitely postponed, which was carried.

Mr. Stephenson moved that the rules be suspended, and that

H. B. No. 106, to change the name of the North Carolina Iron and Steel Company, be taken up.

The bill was taken up and put on its second reading and passed; and, without objection, was put on its third reading, passed, and ordered to be engrossed.

Mr. Strong moved to suspend the rules, and to take up H. R. No. 40: A resolution instructing the Treasurer to pay the Public Printer, and it was put on its several readings without objection, passed, and was ordered to be engrossed.

On motion of Mr. Boyd, H. B. No. 7, to amend chapter 181, laws of 1872-73, was taken up, and, on his motion, was laid on the table.

Mr. Green, of Watauga, moved to suspend the rules and take up H. B. No. 64, a bill for the relief of John Horton, former sheriff of Watauga. The amendments proposed by the committee were accepted, and the bill, as amended, was put on its second reading and passed; and without objection was put on its third reading, passed, and ordered to be engrossed.

Mr. Proffitt moved to suspend the rules and take up H. B. No. 56, a bill to amend chapter 37, section 2, laws of 1873-74, was put on its second reading, passed, and, without objection, went to a third reading, passed, and was ordered to be engrossed.

H. B. No. 8: A bill to protect laborers was taken up and, on motion of Mr. Means, was referred to the Judiciary Committee.

Mr. Page, moved to suspend the rules and take up H. B. No. 39, in relation to the collecting of Public Arms.

The resolution was put and adopted, and ordered to be engrossed.

H. B. No. 16: A bill to lay out and construct a public road through the counties of Alleghany and Ashe, was taken up, and put on its second reading, passed, and, without objection, went to a third reading, passed, and was ordered to be engrossed.

H. B. No. 13: A bill to amend sections 264, 265, 270 and 273, was taken up. The amendments of the committee were adopted, and the bill was put on its second reading, passed,

and, without objection, went to a third reading, passed, and was ordered to be engrossed.

H. B. No. 52: A bill to extend the time allowed sheriffs and and tax collectors to settle with the Auditor and Public Treasurer was taken up, and, on motion, was laid on the table.

Mr. Barnett, by consent, introduced a bill for the relief of the sureties of John L. Harris, late sheriff of Person county. Placed on calendar.

H. B. No. 51: A bill to raise the compensation of County Commissioners was taken up, and, on motion, was laid on the table.

H. B. No. 26: A bill concerning the homestead and personal property exemption, was taken up, and, on motion, was made special order for Tuesday at 12 o'clock, and ordered to be printed.

H. R. No. 30: Resolution to amend the charter of the Greenville and French Broad Railroad Company, came up on its second reading. The amendments proposed by the committee, were considered and adopted, and the bill then passed its second reading, and, without objection, went to its third reading, passed, and was ordered to be engrossed.

H. R. No. 28: Resolution concerning Battle's Revisal, was taken up, and, on motion, tabled.

H. B. No. 35: A bill to amend chap. 176, laws of 1873-'74, was taken up, and, on motion, laid on the table.

H. B. No. 38: A bill to amend chapter 27, section 5, Battle's Revisal, was, on motion of Mr. Richardson, laid on the table.

H. B. No. 39: A bill to amend title 7, section 8 by two of the Code of Civil Procedure. The committee submitted a substitute, which was adopted; and the bill was put on its second reading, passed, and, without objection, went to its third reading, passed, and was ordered to be engrossed.

A message was received from the Senate, transmitting the following bills and resolutions:

S. B. No. 77: A bill in relation to the North Carolina Manual;

S. R. No. 88: Joint resolution regarding the furnishing of

the libraries of the two Houses of the General Assembly with Battle's Revisal;

- S. R. No. 89: Resolution to allow the tax collector of Wake county to settle with the Treasurer, and asking the concurrence of the House therein.
- S. R. No. 89, H. R. No. 43: Resolution to allow the tax collector of Wake county to settle with the Treasurer, was taken up and put upon and passed its several readings, and was ordered to be enrolled.
- S. B. No. 77, was referred to the Commtttee on Library, and also S. R. No. 88.
- Mr. Richardson asked leave to take up H. B. No. 105: A bill to amend an act to incorporate the Cape Fear Agricultural Association. The bill was put on its several readings and passed, and was order to be engrossed.
- H. B. No. 45: A bill more effectually to punish retailing without license, was put on its several readings and passed, and was ordered to be engrossed.
- H. B. No. 40: A bill to repeal section 9, laws of 1868—'69, was taken up, and, on motion, was laid on the table.

Mr. Strong moved to reconsider the vote by which S. R. No. 89 had passed, and to lay that motion on the table, and the motion to table was carried.

A message from the Senate was received, transmitting engrossed copy of a bill for the relief of the sureties of the late sheriff of Martin county, with amendments, and asking the concurrence of the House therein.

On motion, the amendments were concurred in, and the bill was ordered to be enrolled.

- H. B. No. 44: A bill to establish the days for selling real estate, chapter 215, section 1, public laws of 1869-'70, on motion, was recommitted to the Judiciary Committee.
- H. B. No. 47: A bill for the relief of J. W. Horton, tax collector of Watauga county, was taken up and put on its several readings, passed, and was ordered to be engrossed.
  - H. B. No. 50, with substitute, to amend section 15, chapter

105, Battle's Revisal, was taken up, and, on motion of Mr. Carson, laid on the table.

H. R. No. 38: Resolution in relation to the devastation of Tuscumbia, Ala., was taken up, and, on motion, laid on the table.

H. R. No. 40, S, R. No. 32,: Resolution of inquiry of his Excellency the Governor, was taken up and adopted.

On motion, the House adjourned till Monday morning at 11

o'clock.

# TWELFTH DAY.

Monday, November 30, 1874.

The House met at 11 o'clock, Mr. Speaker Robinson in the chair.

The House was opened with prayer by the Rev. Mr. Atkinson of this city.

The Journal of Saturday was read and approved.

#### MEMORIALS.

Mr. Presson presented a memorial from the citizens of Union county, which was, for the present, placed on the calendar.

#### REPORTS OF STANDING COMMITTEES.

Mr. Erwin, from the Committee on the Judiciary, reported favorably on

H. B. No. 60: A bill to extend the time for taking grants from the State; favorably on

H. B. No. 81: A bill to repeal section 3, chapter 176, laws of 1873-'74; and unfavorably on

H. B. No. 73: A bill to allow parties in certain cases to waive right to claim homestead.

Mr. Tate, from the Committee on Finance, reported favorably on

H. R. No. 37: Resolution to appoint a select committee to obtain a correct list of bonds and coupons in the Treasurer's office; and unfavorably on

H. B. No. 103: A bill to amend chapter 102, section 63, Battle's Revisal.

Mr King, from the Committee on Engrossed Bills, reported the following as correctly engrossed, to-wit:

H. B. No. 106: A bill to change the name of the North Carolina Iron and Steel Company;

H. B. No. 105: A bill to be entitled an act to amend an act to incorporate the Cape Fear Agricultural Association, ratified the 12th of April, 1869;

H. B. No. 64: A bill for the relief of John Horton, former sheriff of Watauga county;

H. B. No. 56: A bill to be entitled an act to amend chapter 37, section 2, laws of 1873-'74;

H. B. No. 47: A bill for the relief of James W. Horton, tax collector of Watauga county;

H. B. No. 45: A bill to more effectually prevent retailing without license;

H. B. No. 39: A bill to amend title 7, section 82, of the Code of Civil Procedure;

H. B. No. 30: A bill to amend the charter of the Greenville and French Broad Railroad Company;

H. B. No. 16: A bill amendatory of an act to layout and construct a road through the counties of Watauga and Ashe, ratified March 1st, 1870;

H. B. No. 13: A bill to be entitled an act to amend sections 264, 265, 270 and 273, of the Code of Civil Procedure;

H. R. No. 39: Resolution in regard to collecting public arms;

H. R. No. 4: A resolution directing the Public Treasurer to pay Public Printer, &c.

Mr. Finger, from the Committee on Enrolled Bills, reported

the following as correctly enrolled:

Resolution concerning the State debt;

An act to allow Clifton Ward, late sheriff of Sampson county, to collect the arrears of taxes for the year 1873;

An act to authorize and empower the constable of the town of Shelby, Cleaveland county, to collect arrearages of taxes;

An act to allow T. W. Taylor, late sheriff of Henderson county, to collect arrears of taxes for the years of 1870, 1871, 182-'73;

A resolution to allow the tax collector of Wake county to settle with the Treasurer.

And they were ratified by the Speaker of the House, and transmitted to the Senate to be ratified by the President thereof.

#### INTRODUCTION OF RESOLUTIONS.

By Mr. Norment: A resolution in regard to private bills. Calendar.

By Mr. Walker, of Richmond: A resolution in regard to J. C. L. Harris. Calendar.

By Mr. Elliott: A resolution in regard to the improvement of the harbor of Edenton. Calendar.

## INTRODUCTION OF BILLS.

By Mr. Young: A bill for the relief of the sheriff of Mitchell county. Calendar.

By Mr. Glenn: A bill to secure economy in the public printing.

Mr. Barnett moved to make special order for Friday, with order to print. The motion was lost, and the bill was referred to the Judiciary Committee.

By Mr. Bizzell: A bill in relation to the public debt. Referred to Joint Select Committee on the State Debt.

By Mr. McRae: A bill to regulate the terms of the Superior Court of Cumberland county. Calendar.

By Mr. Finger: A bill to extend the time for the collection of the arrearages of taxes. Referred to Committee on Propositions and Grievances.

By Mr. Presson: A bill to incorporate Olive Branch Baptist Church, in the county of Union. Propositions and Grievances.

By Mr. Davis, of Haywood: A bill to incorporate Ferguson's Camp Ground of the Methodist Church, South, in the county of Haywood. Corporations.

Mr. Green, by consent, introduced a bill to amend chapter 19, laws of 1873-'74, in relation to the records of Watauga county. Judiciary.

The morning hour having expired, the Speaker announced that Mr. Erwin was added to the Committee on Railroads, Post Roads and Turnpikes.

Indefinite leave of absence was granted to Mr. Staples on account of important private business, and to Mr. Mizell for one week on account of the same and for sickness.

Mr. Strong asked leave to take up the bill introduced by him this morning, concerning failure of solicitors to prosecute, &c. Bill was put on its second reading, passed, and was put on its third reading, passed, and was ordered to be sent to the Senate without engrossment.

Mr. Strong moved to reconsider the vote by which the bill passed its third reading, and to lay that motion on the table. The motion to table was carried.

Mr. Barnett moved to suspend the rules and take H. B. No. 120, for the relief of the sureties of the late sheriff of Person county. The rules were suspended, and the bill was taken up and passed its several readings, and was ordered to be engrossed.

#### CALENDAR.

H. B. No. 52: A bill to amend section 15, chapter 104, entitled Roads, Ferries and Bridges, was taken up, passed its several readings, and was ordered to be engrossed.

H. B. No. 55: A bill to amend section 3, chapter 65, Battle's Revisal, was, on motion, laid on the table.

H. B. No. 58: A bill to repeal the act for the annual publication of the North Carolina Manual, was taken up.

Mr. Moring moved to recommit the bill to the Committee on Propositions and Grievances, which motion was carried.

Mr. Walker, of Richmond, moved to suspend the rules, and take up H. R. No. 45, in relation to charges against J. C. L. Harris, Solicitor of the 6th Judicial District. The motion prevailed, and the resolution was unanimously adopted.

The Calendar was resumed, and H. B. No. 59, to amend chapter 32, section 111, Battle's Revisal was taken up, and, on motion of Mr. Boyd, was laid on the table.

H. B. No. 62: A bill to repeal chapter 246, laws of 1870-71, was taken up. The substitute reported by the committee was accepted, and the bill was put on its several readings, was passed, and ordered to be engrossed.

The Speaker made the announcement of the ratification of the bill to allow the tax collector of Wake county to settle with the Treasurer.

H. B. No. 63; A bill to amend section 9, chapter 65, Battle's Revisal, in relation to liens of mechanics, &c., was taken up, and, on motion, laid on the table.

Mr. Tate asked leave to suspend the rules, and take up H. B. No. 130, for the relief of the sheriff of Mitchell county.

Mr. Moring moved that the consideration of the bill be postponed until Saturday next, at 1 o'clock.

The motion was put and lost, and the bill was put on its several readings, passed, and ordered to be engrossed.

H. B. No. 74: A bill in relation to the distribution of Battle's Revisal, was put on its second reading.

On motion of Mr. Means, the bill was referred to the Committee on Propositions and Grievances.

H. B. No. 8: A bill to protect laborers, was called up.

Mr. Griffin sent forward the amendments made by the committee.

The amendments were accepted, and the bill was put on its several readings, passed, and was ordered to be engrossed.

On motion, it was ordered that the bill for the more economical management of the public printing be taken from the hands of the Judiciary Committee, be printed, and made special order for Friday next.

H. B. No. 85: A bill to repeal chapter 54, laws of 171-72, was put on its several readings without objection, and was

passed and ordered to be engrossed.

H. B. No. 88: A bill to amend chapter 104, section 15, Battle's Revisal, in relation to road law, was taken up, and, without objection, passed its several readings, and was ordered to be engrossed.

H. B. No. 89: A bill to amend section 1, chapter 32, laws of 1872-73, was, on motion of Mr. Finger, postponed until

Friday next.

Mr. Pinnix, by leave of the House, entered a verbal protest on the part of J. C. L. Harris, Solicitor of the Sixth Judicial District, against the action of the Governor in the matter of investigation against him.

A message was received from the Senate, transmitting back

to the House H. B. No. 2, for re-engrossment.

H. B. No. 63: A bill to amend section 9, chapter 65, Battle's Revisal, was taken up, and, on motion of Mr. Pinnix, was laid on the table.

H. R. No. 35: Resolution concerning the lawful authority of Battle's Revisal, was called up and failed to pass its second

reading.

H. R. No. 31: Resolution in relation to instructions from the Legislature to the members in Cengress from North Carolina, was taken up, and, on motion, indefinitely postponed. H. R. No. 36: Resolution in relation to the sale of Battle's Revisal was adopted.

H. R. No. 4: Resolution extending the time of sheriffs and tax collectors to pay over the county taxes, was taken up.

Mr. Blythe moved to amend by making it applicable to Henderson county alone.

On motion, the resolution was laid on the table.

Leave of absence was granted to Mr. Walden from and after to-day until Friday, on account of important private business.

H. R. No. 3: Resolution in relation to the adjustment of the State debt was taken up, and, on motion, laid on the table.

Mr. McRae asked leave to take up H. B. No. 123: A bill in relation to the terms of the Superior Court of Cumberland county.

The bill was taken up and put on its second reading.

Mr. Walker, of Richmond, moved to refer it to the Committee on the Judiciary, which motion was lost, and the bill passed its second reading; and after some discussion, the bill was put upon its third reading, was passed, and ordered to be engrossed.

S. B. No. 17, H. B. No. 66: A bill to authorize the county commissioners of Tyrrell county to sell the present poor house lot and to purchase another, was, on motion of Mr. Mebane, committed to the Judiciary Committee.

H. B. No. 81: A bill to repeal section 3, chapter 176, laws of 1873-'74, reported this morning by the Judiciary Committee, was taken up.

Mr. Lloyd moved to re-commit, which motion was lost.

Mr. Hanner moved to adjourn, but gave way to Mr. Stephenson, who moved to reconsider the vote by which the House ordered the bill in relation to the public printing to be printed.

Mr. Lloyd moved to adjourn.

The House refused to adjourn, and the consideration of H. B. No. 81, was resumed.

The bill was put on its second reading and passed, and there

being no objection, was put on its third reading, passed, and was ordered to be engrossed.

A motion was made to adjourn. The House refused to adjourn.

Mr. Stephenson's motion to reconsider the action on H. B. No. 129, prevailed.

Mr. Barnett moved that it be printed and made special order for Friday next. The motion was lost.

Mr. Presson moved to adjourn, but gave way to Mr. Richardson, who moved that the bill be referred to the Committee on the Judiciary, and the motion was adopted.

The Speaker announced that Mr. Bryson had withdrawn from the chairmanship of the Committee on Cites, Towns and Townships, and announced the following re-arrangement of said committee: Messrs. Staton, McIver, Spears, Wood, Fields, Sharpe, Freeman, Elliott, Mock and Scott.

The Speaker announced the following gentlemen as the committee of five, appointed under the resolution of Mr. Walker:

Messrs. Walker, of Richmond, Dortch, Erwin, Candler and Glenn.

The House then adjourned until 11 o'clock to-morrow.

# THIRTEENTH DAY.

Tuesday, December 1st, 1874.

The House met at 11 o'clock, Mr. Speaker Robinson in the chair.

The Journal of yesterday was read and approved .:

### REPORTS OF STANDING COMMITTEES.

Mr. Woodhouse, from the Committee on Railroads, Post Roads and Turnpikes, reported unfavorably on H. B. No. 43, a bill to repeal an act passed at the session of 1872-773; and favorably on

H. B. No. 98: A bill authorizing the making of a turnpike road in Haywood county.

Mr. McRae, from the Committee on the Judiciary, reported unfavorably on the following bills:

H. B. No. 76: A bill to repeal chapter 234, section 6, laws of 1869-'70, as brought forward in Battle's Revisal, chapter 78, section 46;

H. B. No. 84: A bill to amend chapter 176, public laws of 1873-74;

H. B. No. 94: A bill to punish the unlawful burning of houses;

H. B. No. 99: A bill to amend sections 1 and 2, chapter 37, laws of 1868, as brought forward in Battle's Revisal, sections 17 and 18, of chapter 32; and on

H. B. No. 110: A bill concerning Courts of Probate.

Mr. Tate, from the Committee on Finance, reported unfavorably on H. B. No. 90: A bill extending the time of sheriffs and tax collectors for settling with county and State treasurers.

Mr. Means, from the Committee on the Judiciary, reported favorably on H. B. No. 4: A bill for the more effectual prosecution of offenders against the criminal laws of the State, as amended by the Committee.

Mr. King, from the Committee on Engrossed Bills, reported the following as correctly engrossed:

H. B. No. 62: A bill to amend chapter 246, public laws of 1870-71;

H. B. No. 52: A bill to amend section 15, chapter 104, Battle's Revisal, entitled Roads, Ferries, &c.;

H. B. No. 120: A bill to extend the time for the sureties of J. L. Harris, late sheriff of Person county, to settle with the State Treasurer;

H. B. No. 123: A bill to be entitled an act to regulate the times of holding the terms of the Superior Courts in Cumberland county;

H. B. No. 81: A bill to repeal section 3, chapter 176, of the public laws of 1873-74;

H. B. No. 130: A bill to be entitled "An act for the relief of the sheriff of Mitchell county;"

H. B. No. 80: A bill to extend the time for sheriffs and tax collectors to collect arrears of taxes;

H. B. No. 88: A bill to amend chapter 104, section 15, of Battle's Revisal—Road Laws; and

H. B. No. 85: A bill to be entitled an act to repeal chapter 54, laws of 1871-72.

Mr. Erwin, from the Committee on the Judiciary, reported unfavorably on H. B. No. 113: A bill to repeal chapter 91, laws of 1869-70.

Mr. Gudger, from the Committee on Propositions and Grievances, reported favorably on H. R. No. 19: Resolution of instruction to the Senators and Representatives in Congress from North Carolina; and unfavorably on

H. R. No. 42: A joint resolution concerning the bankrupt law of the United States; on

H. B. No. 119: A bill to provide for the payment of jurors in the different counties of the State, it was recommended that the bill be referred to the Committee on the Judiciary, and it was so ordered; favorably on

H. B. No. 127: A bill to extend the time for the collection of the arrearages of taxes.

Mr. Walker; of Richmond, from the Committee on Salaries and Fees, reported favorably on H. B. No. 104: A bill to provide clerical aid and traveling expenses for the Superintendent of Public Instruction, with an amendment thereto.

#### INTRODUCTION OF RESOLUTIONS.

By Mr. Pinnix: A resolution of inquiry concerning the funds arising from the lease of the North Carolina Railroad. Referred to Committee on the State Debt.

By Mr. Walker, of Tyrrell: Resolution on adjournment. Placed on calendar.

Mr. Norment rose to a question of privilege, in relation to reports of his remarks in the Daily News.

Mr. Finger, from the Committee on Enrolled Bills, reported as correctly enrolled, an act to repeal a part of section 135, chapter 32 of Battle's Revisal, concerning trials of Solicitors by the Governor for failure to prosecute bribery cases.

### INTRODUCTION OF BILLS.

By Mr. Pinnix: A bill concerning corporations. Referred to Committee on Judiciary.

By Mr. Pinnix: A bill to amend an act to establish a Bureau of Immigration, Statistics and Agriculture. Referred to Committee on Immigration.

By Mr. Glenn: A bill to amend section 27, chapter 32, of Battle's Revisal. Judiciary.

By Mr. Davis, of Haywood: A bill to prevent the felling of trees in Pigeon river, in Haywood county. Referred to Committee on Propositions and Grievances.

By Mr. Whitley: A bill to amend section 30, chapter 105, Battle's Revisal. Judiciary.

The morning hour having expired, the calendar was taken up.

H. B. No. 73: A bill to allow parties in certain cases to waive claim to property exemption, &c., was put on its second reading, and was, on motion, laid on the table.

By consent, Mr. Stephenson introduced a bill to authorize and empower the Government of the United States to purchase and hold lands in North Carolina for the purpose of a National Cemetery. Referred to Committee on Judiciary.

The Calendar was resumed.

H. B. No. 103: A bill to amend chapter 102, section 63, of Battle's Revisal, was put on its second reading and was rejected.

H. B. No. 89: A bill to amend section 1, chapter 32, laws 1872—'73, was taken up, and put on its several readings, without objection, passed, and was ordered to be engrossed.

H. R. No. 37: A resolution to appoint a joint select committee to make lists of bonds and coupons in the Treasurer's office, was taken up and adopted, and ordered to be engrossed.

H. R. No. 46: A resolution in relation to improving the harbor of Edenton was taken up, adopted, and ordered to be engrossed.

H. R. No. 47: A resolution in relation to private bills, was taken up.

Mr. Richardson moved it be passed over informally.

On motion of Mr. Patton, the resolution was laid on the table.

#### SPECIAL ORDER.

The hour of twelve having arrived, the special order, being H. B. No. 26: A bill concerning the homestead and personal property exemption, was taken up.

Mr. Boyd offered the following amendment:

"At the end of the words 'shall be,' in line 8, section 1, of printed copy, insert 'to the owner thereof and his heirs.'"

Mr. Fields moved that the bill be postponed, and made special order for to-morrow at 12 o'clock.

The question was put, and the House refused to postpone.

The question was then on Mr. Boyd's amendment, and the amendment was lost.

Mr. Dula moved to amend line 10, section 1, by inserting the words "both before and after."

Upon which amendment Mr. Barnett demanded the ayes and nays.

The call was not sustained.

Mr. Gudger offered the following amendment: Strike out "one thousand" in line 8, and insert "twenty-five hundred."

On this amendment Mr. Gudger demanded the ayes and nays, which was refused.

Mr. Hanner called the previous question, which was sustained, and the main question was put on the passage of the bill on its second reading.

Mr. Gudger gave notice of an amendment after the vote should have been taken.

The bill passed its second reading by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Atwater, Ballard, Barnett, Barnhardt of Caldwell, Bernheardt of Rowan, Barrett, Bennett, Bettis, Bizzell, Blythe, Boyd, Brewington, Bryan, Bryson, Bunn, Candler, Carson, Carter, Cary, Crews, Davis of Jackson, Dortch, Dula, Eatman, Erwin, Etheridge, Finger, Freeman, Gaither, Garrison, Gash, Glenn, Good, Griffin, Hanner, Harrison, Haymore, Holt, Hughes, Hurley, Isler, Jessup, Jetton, Johnston, Jones, King, Latta, Lloyd, Martin, McCallop, McCubbins, Mc-Iver, McNeill, McRae, Means, Mebane, Mendenhall, Mock, Moffitt, Moring, Moseley, Mullen, Munden Newell, Norment, Oaksmith, Page, Parker, Parrott, Patton, Pinnix, Presson, Proffitt, Reid, Richardson, Scott, Shackelford, Sharpe, Smith of Anson, Smith of Hyde, Spears, Staton, Stephenson, Stowe, Strong, Tate, Thompson of Beaufort, Thompson of Lincoln, Walker of Richmond, Walker of Tyrrell, Ward, Wells, Wheeler, Whisnant, Whitley, Wiley, Wood, Woodhouse and Young-100.

The following gentlemen voted in the negative:

Messrs. Davis of Haywood, Elliott, Fields, Foote, Green, Gudger, Hooker and Kendall—8.

Mr. Gudger sent forward an amendment, which reads: Amend in line eight by striking out the words "not exceeding one thousand," and insert "not less than fifteen hundred."

On this amendment Mr. Gudger demanded the ayes and nays, which was refused.

The amendment was put and lost.

Mr. Johnston offered the following amendment:

Amend by adding the following after the word "act," in section 1, line 11:

"Provided, the owner or his agent shall have the homestead and personal property exemption laid off by the proper officers of the law, and duly registered in the office of the Public Register of the county in which they reside."

Mr. Pinnix offered an amendment to the amendment of Mr. Johnston, which was ruled by the Speaker not to be germane to the question.

Mr. Glenn moved to re-commit the bill, with the amendments offered, to the Judiciary Committee, which was lost.

Mr. Hanner called the previous question on the amendment of Mr. Johnston.

Mr. Johnston's amendment was lost.

Mr. Pinnix offered the following amendment:

"That the homestead herein provided shall be laid off and appraised, and the report of the Commissioners returned and recorded as now prescribed by law."

The amendment was lost.

Mr. Boyd sent forward the following amendment:

At the end of the words "shall be," in line 8, section 1, printed bill, insert "to the owner thereof and his heirs," and called for the ayes and nays, but the call was not sustained.

Mr. Boyd's amendment was put and lost.

Mr. Hanner moved to amend the title of the bill as follows: Strike out in title of the bill the words "and personal property," which was adopted, and the bill was put on its third and final reading.

Mr. Gudger demanded the ayes and nays, which was refused.

The bill then passed its third reading, and was ordered to be engrossed.

Mr. Boyd moved to reconsider the vote by which the bill

had just passed, and to lay that motion on the table, and the motion to table was sustained.

A message was received from the Senate, transmitting S. B. No. 122: A bill to extend the time of the sheriff of Franklin county to settle with the State Treasurer; and a message transmitting S. B. No. 123: A bill for the relief of the sheriff of Halifax county, and asking the concurrence of the House therein.

Both bills were referred by the Speaker to the Committee on Finance.

Mr. Richardson, by consent, introduced a resolution of instruction to the Senators and Representatives in Congress concerning the tax levied and collected on spirits of turpentine after the late war, which was referred to the Committee on Propositions and Grievances.

Mr. Walker, of Richmond, asked leave to record his vote on H. B. No. 26, cencerning the homestead. Leave was granted, and his vote was recorded.

Mr. Lloyd moved to adjourn. The House refused to adjourn.

Mr. Means asked leave to take up H. B. No. 4: A bill for the more effectual prosecution of offenders against the criminal laws of the State. The bill was taken up, and the amendments proposed by the committee were adopted.

On the passage of the bill on second reading, Mr. Boyd offered the following amendment:

"That the Clerks of Superior Courts shall notify the Governor of the removal of any such cases, and that the Governor be empowered to employ counsel for the prosecution, and pay the fees provided for in this act."

The amendment was lost.

Mr. Glenn offered as an amendment to strike out the word "twenty" and insert "ten," which was lost.

Pending the consideration of the bill,

On motion of Mr. Presson, the House adjourned until tomorrow at 11 o'clock.

## FOURTEENTH DAY.

WEDNESDAY, December 2, 1874.

The House met at 11 A. M. Mr. Speaker Robinson in the chair.

The Journal of yesterday was read, amended and approved. Leave of absence was asked and granted for Mr. Isler until Thursday next, on account of important business, and to Mr. Martin for the same reason, from and after to-day until Wednesday next.

## INTRODUCTION OF PETITIONS.

Mr. Walker, of Richmond, presented a memorial from the citizens of Richmond county, praying for the incorporation of the town of Laurinburg, in said county, and a counter petition from divers citizens of the same county on the same subject, both of which were referred to the Committee on Corporations, but afterwards, by request of Mr. Walker, referred to the Committee on the Judiciary.

## REPORTS OF STANDING COMMITTEES.

Mr. Erwin, from the Committee on the Judiciary, reported favorably on the following bills:

H. B. No. 109: A bill to prevent the selling or giving away of intoxicating liquors within one mile of Red Hill Colored Church, in Edgecombe county;

H. B. No. 118: A bill to amend Battle's Revisal, chapter 18, sections 198 and 199, in relation to attachments;

H. B. No. 102: A bill providing for two additional terms of the Superior Court for the county of Wayne; and

H. B. No. 37: A bill concerning the Board of Commissioners of Wake county; and unfavorably on

H. B. No. 100: A bill to amend chapter 97, section 8, of

the Revised Code, as brought forward in Battle's Revisal; and

H. B. No. 114: A bill requiring solicitors to follow up and prosecute in all criminal action which may be removed from the counties in this State to the Circuit or District Courts of the United States.

Mr. Means, from the Committee on Banks and Currency, reported unfavorably on H. B. No. 112: A bill to establish the rate of interest, and to repeal chapter 114 of Battle's Revisal.

Mr. Shackelford, from the Committee on Engrossed Bills, reported that the following had been correctly engrossed:

H. B. No. 26: A bill concerning the homestead exemption; H. B. No. 89: A bill to amend section 1, chapter 32, laws

of 1872-'73:

H. R. No. 37: Resolution to appoint a joint select committee to make lists of bonds and coupons in the Treasurer's office;

H. R. No. 46: Resolution to improve the harbor of Edenton, North Carolina; and a message was sent to the Senate transmitting the same.

Mr. Finger, from the Committee on Enrolled Bills, reported the following as correctly enrolled:

Resolution in regard to the collection of the public arms; Resolution directing the Public Treasurer to pay the Public

Printer; and

An act to change the name of the North Carolina Steel Company; and they were ratified by the Speaker of the House, and sent to the Senate for ratification by the President of that body.

Mr. Tate, from the Finance Committee, begged leave to be discharged from the consideration of H. B. No. 46: A bill to compromise and settle the State debt, and recommended that the bill be referred to the Joint Select Committee on the State Debt, and it was so ordered; and the same recommendations and orders were made in respect to the following bills and resolutions, reported by Mr. Tate, from the same committee:

H. B. No. 24: A bill to adjust and settle the State debt;

H. B. No. 25: A bill to adjust and compromise the public debt; and

H. R. No. 21: Joint resolution concerning the public creditors of North Carolina.

Mr. Tate, from same committee, reported favorably on H. B. No. 72: A bill to lay a special tax for the county of Jones.

Mr. Richardson, from the Committee on Corporations, reported favorably on

H. B. No. 79: A bill to incorporate Newbern Gold Link Lodge, No. 1632, G. U. O. of Odd Fellows; and unfavorably on

H. B. No. 91: A bill to incorporate the Newbern Collegiate Singing Club, for the purpose, &c.

### INTRODUCTION OF RESOLUTIONS.

By Mr. Brewington: A resolution for the relief of the depositors in the Freedman's Bank.

By Mr. Mendenhall: A resolution in regard to the Treasury, both of which were placed on the calendar.

#### INTRODUCTION OF BILLS.

By Mr. Hicks: A bill to prohibit the carrying of side-arms. By Mr. Moring: A bill to amend chapter 105, laws of 1872-'73, as brought forward in Battle's Revisal, in regard to the allotment of homestead exemptions.

By Mr. Spears: A bill to settle the rights of counsel in certain cases.

By Mr. Pinnix: A bill to provide for the enforcement of decrees in suits in equity rendered prior to a certain act of 1806.

By Mr. Walker, of Richmond: A bill to incorporate the town of Laurinburg, in the county of Richmond.

By Mr. Pinnix: A bill declaring the shares of stock in corporations to be personal estate.

By Mr. Blythe: A bill in relation to Judges and Commissioners; all of which were referred to the Committee on Judiciary.

By Mr. Johnston: A bill to amend section 32, chapter 105, Battle's Revisal. Referred to the Committee on Salaries and

Fees.

By Mr. Bennett: A bill to amend chapter 13, acts of the General Assembly of North Carolina. Referred to the Committee on Propositions and Grievances.

By Mr. Bennett: A bill for the relief of E. W. Taylor, tax collector of Brunswick county. Referred to the Committee on Propositions and Grievances.

Mr. Richardson begged leave to report on H. B. No. 19: A bill in relation to the incorporation of Caldwell and Ashe Turnpike Company, with a substitute, which was adopted.

Mr. Bunn offered the following protest, with the request that it be entered upon the Journal of the House, and it was so ordered.

## PROTEST.

We, the undersigned, having voted against the bill known as the "Amnesty Bill," introduced by the Representative from Guilford, and passed in this House on last Saturday, would respectfully enter the following protest:

1st. We believe that the said bill, having become a law, encourages the tendency of bad men to commit crime by organizing secret societies, or banding together, hoping by this means to escape the punishment due and demanded in such cases.

2dly. The pardoning power being vested in the Chief Executive of the State, we think precludes the necessity of such action by this Honorable body.

We, therefore, present this our protest, and most respectfully ask that it be read and entered on the Journal of this House.

(Signed)

WILLIS BUNN,
WILSON CARY,
JOHN A. JONES,
HENRY BREWINGTON,
EDWARD HILL,
JOHN A. WHITE,
JOHN R. GOOD,
JOHN NEWELL,
W. H. CREWS.

A message was received from the Senate, transmitting the following bills and resolutions, which were read and appropriately referred:

- S. B. No. 69: A bill in relation to public arms. Referred to Committee on Military Affairs.
- S. B. No. 38: A bill in relation to the taking of fish from the waters of Goshen Swamp, in Duplin county. Referred to Committee on Propositions and Grievances.
- S. R. No. 78: Resolution concerning the survivors of the Mexican War. Placed on the Calendar.
- S. R. No. 87: Resolution directing the publication of Winston's Reportsr. Placed on the Calenda.
- S. R. No. 81: Resolution concerning the custom house at Newbern and obstructions. Referred to Committee on Propositions and Grievances.

#### UNFINISHED BUSINESS.

The unfinished business of yesterday was taken up, being H. B. No. 4, on the second reading.

Mr. Means demanded the previous question, which was sustained, and the main question was put, and the bill passed its second reading, and there being no objection, the bill was put on its third reading, passed and was ordered to be engrossed.

Mr. Means moved to reconsider the vote by which the bill had passed, and to lay that motion on the table, and the motion to table prevailed.

#### CALENDAR.

The calendar was taken up, and H. B. No. 43: A bill to repeal an act passed at the session of 1872-73, in relation to a turnkpike road from Asheville west, was put on its second reading.

Mr. Davis, of Haywood, moved to lay the bill on the table, but withdrew his motion at the instance of Mr. Candler.

After discussion, the motion to table was renewed and the House refused to lay on the table.

Mr. Richardson moved to recommit the bill, but withdrew, and the question was on the passage of the bill on its second reading.

Mr. Candler moved the previous question, and the main question was put; and on its second reading, Mr. Boyd demanded the yeas and nays, which was lost, and the bill passed its second reading.

On the third reading of the bill, Mr. Davis, of Haywood, sent forward the following amendment:

"That the toll gates be placed at or near French Broad, in Buncombe county."

The question was put on the amendment, and it was adopted.

And the bill, as amended, was then put on its third reading, passed, and ordered to be engrossed.

H. B. No. 76: A bill to repeal chapter 234, section 6, laws of 1869-'70, as brought forward in Battle's Revisal, chapter 78, section 46, was taken up on second reading, and was rejected.

Mr. Jones, by consent, introduced a bill for the relief of

John A. Reid, sheriff of Halifax county, which was referred to Committee on Propositions and Grievances.

The calendar was resumed.

H. B. No. 84: A bill to amend chapter 176, public laws of 1873-74, was put on its second reading, and rejected.

H. B. No. 90: A bill to extend the time for sheriffs and tax collectors to settle with the State and County Treasurer, was put on its third reading, and was rejected.

H. B. No. 60: A bill to extend the time of taking out grants from the State, was taken up and amended as follows:

"Amend line 6 by inserting "eight hundred;" strike out in line 8, "30th of June," and insert "31st of December."

And as so amended, the bill was put on its several readings, passed, and was ordered to be engrossed.

Mr. Erwin, from the Select Committee to investigate the charges against J. C. L. Harris, Solicitor of the Sixth Judicial District, asked that the members of the committee of investigation be excused from attendance upon the sessions of this House during the progress of said investigation, and they were excused by order of the House.

Mr. Strong, by consent, introduced two bills for the relief of the sureties of T. F. Lee, late sheriff of Wake county, which were referred to the Committee on Propositions and Grievances.

The calendar was resumed.

H. B. No. 94: A bill to punish the unlawful burning of houses, was taken up, and, on motion of Mr. Dortch, laid on the table.

H. B. No. 98: A bill authorizing the making a turnpike road in Haywood county, was taken up. The amendments offered by the committee were accepted.

Mr. Means offered the following amendment:

Strike out word "Legislature," in enacting clause, and insert words "General Assembly."

The amendment was adopted, and the bill was, without ob-

jection, put on its several readings, passed, and was ordered to be engrossed.

Mr. Fields moved that the vote by which H. B. No. 43, had passed the House, be reconsidered, and to lay that motion on the table. He withdrew his motion.

Mr. Means moved to reconsider the vote by which the bill had passed.

Mr. Davis, of Haywood, moved to lay that motion on the table, which was carried.

Mr. Patton asked leave to have his name recorded in the affirmative in the vote of yesterday on the homestead bill, and it was so recorded.

Mr. Boyd, by consent, introduced a bill concerning the fees of jailors, which was placed on the calendar.

Leave of absence was granted Mr. Hughes for two days.

On motion of Mr. Latta, the House adjourned until tomorrow at 11 o'clock.

# FIFTEENTH DAY.

THURSDAY, December 3, 1874.

The House met at 11 o'clock, Mr. Speaker Robinson in the chair.

The Journal of yesterday was read and approved.

## PETITIONS AND MEMORIALS.

Mr. Presson presented a memorial from citizens of Union county to incorporate Pleasant Grove Camp Ground, in Union county, which, with the bill to accompany the memorial, was referred to the Committee on Propositions and Grievances.

By Mr. Gash: A petition from citizens of Brevard, in regard to the sale of spirituous liquors in that town, which was referred to the Committee on Propositions and Grievances.

#### REPORTS OF STANDING COMMITTEES.

Mr. Tate, from the Committee on Finance, reported favorably on H. B. No. 137, S. B. No. 122, to extend the time of the sheriff of Franklin county to settle with the State Treasurer.

Mr. Pinnix, from the Committee on the Judiciary, reported unfavorably on S. B. No. 17, H. B. No. 66: A bill to authorize the County Commissioners of Tyrrell county to sell the present Poor House lot, &c., and favorably on H. B. No. 124: A bill to amend chapter 19, laws of 1873-74, to restore the records of Watauga county.

Mr. Means, from the same committee, reported favorably on H. B. No. 144: A bill declaring the shares of stock in corporations to be personal estate; and unfavorably on H. B. No 119, to provide for the payment of jurors in the different counties of the State.

Mr. McRae, from the same committee, reported favorably on H. B. No. 77: A bill to amend the charter of the Carolina Central Railway Company.

Mr. Shackelford, from the Committee on Engrossed Bills, reported as correctly engrossed:

H. B. No. 98: A bill authorizing the making of a turnpike road in Haywood county; and

H. B. No. 60: A bill to extend the time of taking out grants from the State, and a message was sent to the Senate transmitting the same, and asking concurrence therein.

Mr. Finger, from the Committee on Enrolled Bills, reported that the following had been correctly enrolled:

An act to amend chapter 60, section 28, of Battle's Revisal; and

An act to repeal an act entitled an act empowering the Board of Education of Davidson county to establish a teachers' insti-

tute or normal school, and they were ratified by the Speaker of this House, and transmitted to the Senate.

## INTRODUCTION OF RESOLUTIONS.

By Mr. McCubbins: A resolution on adjournment, which was placed on the calendar; and

By Mr. Lloyd: A resolution in favor of the depositors in the Freedman's Savings Bank, which was referred to the Committee on Propositions and Grievances.

## INTRODUCTION OF BILLS.

By Mr. Wood: A bill to secure justice to parties interested in judicial sales.

By Mr. Dortch: A bill to amend chapter 17 of Battle's Revisal, known as the Code of Civil Procedure, title 12, section 46, sub-division 4.

By Mr. Kendall: A bill to amend section 3, chapter 101, public laws of 1873-'74, entitled an act to repeal section 19, chapter 112, Battle's Revisal, and to amend the same; all of which were referred to the Committee on the Judiciary.

By Mr. Wood: A bill to provide for the better attendance on the public schools of the State. Referred to the Committee on Education.

By Mr. Presson: A bill to incorporate Pleasant Grove Camp Ground, in the county of Union. Referred, with memorial, to the Committee on Propositions and Grievances.

By Mr. Carson: A bill giving compensation to the sheriffs of the several counties of the State for bringing convicts to the State prison. Referred to the Committee on Finance.

A communication from the President of the Cape Fear Agricultural Association, at Wilmington, was read, extending an invitation to the two Houses of the General Assembly to attend the next annual fair of the Association on the 15th, 16th, 17th, 18th and 19th of the month.

A message was received from the Senate transmitting a resolution in regard to the invitation to the General Assembly to attend the next annual fair of the Cape Fear Agricultural Association. The resolution was placed on the calendar.

A message was received from the Senate transmitting S. B. No. 124: A bill to allow W. H. Sykes, sheriff of Bladen county, until the 1st of January, 1875, to settle with the Public Treasurer. The bill was referred to the Committee on Finance.

A message was received from the Senate designating the following Senators as the Senate Branch of the several Joint Standing Committees:

On Public Buildings and Grounds—Messrs. McCauley Boddie and Sneed.

On Library-Messrs. LeGrand, French and Cashwell.

On Deaf, Dumb and Blind Asylum-Messrs. Anderson, Busbee and Holton.

On Insane Asylum-Messrs. Mills, Standford and Waring.

On Enrolled Bills-Messrs. Marler, Kerr and Waddell.

On Penal Institutions-Messrs. Love, Young and French.

On Printing-Messrs. Linney, Morehead and French.

On Banks and Currency—Messrs. Hargrave, Albright and Kerr.

On Insurance-Messrs. Clement, Boddie and Cantwell.

Also, designating Messrs. C. M. Cooke, Morehead, McElroy, Linney, French, Busbee, Kerr and Cantwell as the Senate Branch of the Joint Select Committee on Constitutional Reform.

A message was received from the Senate transmitting the following bills, resolutions and amendments:

S. B. No. 75: A bill to amend chapter 105, section 30, of Battle's Revisal;

Amendment to S. B. No. 67, H. B. No. 37: A bill to reenact and revise sections 115 and 116, of chapter 31, of Revised Code;

S. R. No. 129: Resolution in regard to filing papers;

S. B. No. 47: A bill to incorporate Monroe High School, in

the county of Union, and asking the concurrence of the House therein; and they were appropriately referred or otherwise disposed of, as follows:

S. B. No. 75, was referred to the Committee on Judiciary;

S. B. No. 47, to Committee on Corporations;

Amendment to H. B. No. 37, S. B. No. 67, was concurred in; and the bill was ordered to be enrolled; and

S. R. No. 129, was ordered to be placed on the calendar.

Mr. Mitchell moved to suspend the rules, and take up S. B. No. 122: A bill to extend the time for the sheriff of Franklin to settle with the State Treasurer.

The motion prevailed, and the bill was put on its several readings, passed, and was ordered to be enrolled.

Mr. Boyd moved to suspend the rules to take up H. B. No. 153: A bill concerning the fees of jailors.

The motion prevailed, and the bill was taken up.

Mr. Boyd offered a substitute.

Mr. Pinnix moved to refer the bill and substitute to the Committee on Judiciary, but withdrew that motion, and moved to refer to the Committee on Salaries and Fees.

Pending the consideration of the motion, a message was announced from His Excellency, the Governor. The question then recurred on the reference to the Committee on Salaries and Fees, and it was carried.

A message from the Governor was read, transmitting evidence in the matter of J. C. L. Harris, Solicitor of the 6th Judicial District; and also a protest on the part of the said J. C. L. Harris, against the action of the Governor in the matter now pending, and a prayer to the General Assembly to investigate the charges made against the petitioner.

The petition was read and, on motion of Mr. Means, the testimony transmitted by the Governor was ordered to be placed in the hands of the Select Committee previously appointed by the House.

Leave of absence was granted indefinitely to Mr. Walden on account of his being a juror in the Federal Court;

To Mr. Staton for four days from and after to-day on account of important private business;

To Mr. Thompson, of Beaufort, until Tuesday next on account of sickness in his family;

To Mr. Spears for four days on account of important public and private business;

To Mr. Jessup, for Friday and Saturday on account of important private business;

To Mr. Cary from and after to-day, for the same reason; and,

To Mr. Wells for five days for the same reason.

Mr. Shackelford, from the Committee on Engrossed Bills, by leave, submitted an additional report, and reported

H. B. No. 43: A bill to amend an act, passed at the session of 1872-'73 as correctly engrossed, and a message was sent to the Senate transmitting the same.

The calendar was taken up.

H. B. No. 19: A bill with the substitute, was taken up, the amendments were accepted and the bill, a bill to repeal section 9, chapter 164, of laws 1850-'51 in relation to the Caldwell and Ashe Turnpike Company, was put on its several readings, passed, and was ordered to be engrossed.

H. B. No. 72: A bill to levy a special tax for the county of Jones was put on its second reading, and the year and nays were called with the following result:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Atwater, Ballard, Barnhardt of Caldwell, Bernheardt of Rowan, Bennett, Bettis, Bizzell, Bryan, Bryson, Carson, Davis of Jackson, Etheridge, Finger, Freemen, Gash, Good, Green, Griffin, Hill, Hooker, Jetton, Kendall, Latta, Lloyd, McCubbins, McNeill, Mitchell, Oaksmith, Parker, Parrott, Patton, Reid, Richardson, Scott, Shackelford, Smith of Anson, Smith of Hyde, Walker of Tyrrell, Ward, White and Wood—42.

The following gentlemen voted in the negative:

Messrs. Barrett, Blythe, Boyd, Brewington, Bunn, Candler, Carter, Crews, Davis of Haywood, Dortch, Eatman, Elliott, Er-

win, Fields, Garrison, Glenn, Hanner, Harrison, Hicks, Holt, Jessup, Johnston, King, McCallop, McIver, McRae, Means, Mebane, Mendenhall, Mock, Moffitt, Moore, Moring, Moseley, Mullen Munden, Newell, Norment, Page, Pinnix, Presson, Proffitt, Sharpe, Spears, Staples, Staton, Stephenson, Stowe, Thompson of Lincoln, Walker of Richmond, Wells, Whisnant, Whitley, Wiley Woodhouse and Young—56.

The Speaker announced that the bill had failed to pass its

second reading.

Mr. Boyd moved a reconsideration, which was carried.

Mr. Oaksmith moved to recommit the bill to the Finance Committee.

Mr. Spears moved that the bill be postponed until the 16th of January.

The question was put on that motion and lost, and Mr. Oaksmith withdrew his amendment.

The bill was put on its second reading with the following result:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Atwater, Ballard, Barnhardt of Caldwell, Bernheardt of Rowan, Bettis, Bizzell, Boyd, Brewington, Bryan, Bryson, Bunn, Candler, Carson, Carter, Cary, Davis of Haywood, Davis of Jackson, Dula, Finger, Foote, Freeman, Garrison, Gash, Glenn, Good, Green, Griffin, Gudger, Haymore, Hill, Holt, Hooker, Hurley, Jessup, Jetton, Jones, Kendall, Latta, Lloyd, McCubbins, McIver, McNeill, McRae, Mebane, Mendenhall, Mitchell, Mock, Moffitt, Munden, Norment, Oaksmith, Parker, Parrott, Patton, Pinnix, Presson, Proffitt, Reid, Richardson, Scott, Shackelford, Smith of Anson, Smith of Hyde, Tate, Thompson of Beaufort, Thompson of Lincoln, Trivett, Walden, Walker of Tyrrell, Ward, Wells, Wheeler, Whisnant, White, Whitley, Wiley. Wood, Woodhouse and Young—81.

The following gentlemen voted in the negative:

Messrs. Barrett, Blythe, Crews, Dortch, Eatman, Erwin, Etheridge, Fields, Hanner, Harrison, Hicks, Johnston, McCallop,

Means, Moring, Moseley, Mullen, Page, Sharpe, Spears, Staples, Staton, Stephenson, Stowe and Walker of Richmond—25.

And the bill passed its second reading.

Mr. Tate, by consent, introduced a bill to be entitled an act in relation to the North Carolina Railroad and Western North Carolina Railroad, which was ordered to be printed and referred to the Committee on Internal Improvements.

Mr. Green asked leave to take up H. B. No. 124: A bill to amend chapter 19, laws of 1873-'74, to restore the records of Watauga county.

The bill was taken up, and the amendments of the committee were adopted, and the bill was put on its several readings, passed, and was ordered to be engrossed.

H. B. No. 79: A bill to incorporate Newbern Golden Link Lodge, No. 1632, G. U. O. of Odd Fellows, was taken up and put on its several readings, passed, and was ordered engrossed.

H. B. No. 91: A bill to incorporate the Newbern Collegiate Singing Club, &c., was taken up, and, on motion of Mr. Carson, laid on the table.

Mr. Crews asked leave to have his name attached to the protest entered on yesterday's Journal in relation to the Amnesty Bill, and it was so ordered, and is so recorded.

On motion of Mr. Oaksmith, the House adjourned until to-morrow at 11 o'clock A. M.

# SIXTEENTH DAY.

FRIDAY, December 4th, 1874.

The the met at 11 o'clock, Mr. Speaker Robinson in the chair.

The Journal of yesterday was read and approved.

#### PETITIONS AND MEMORIALS.

Mr. Bennett presented a memorial from the citizens of Brunswick county, in relation to Zion Church, which was referred to the Committee on Propositions and Grievances.

#### REPORTS OF STANDING COMMITTEES.

Mr. Mullen, from the Committee on Salaries and Fees, reported favorably on

H. B. No. 146: A bill to amend section 32, chapter 105, Battle's Revisal; and on

H. B. No. 153: A bill in relation to the fees of jailors, reported an amendment, with a recommendation that it do pass.

Mr. McRae, from the Committee on the Judiciary, reported favorably on

H. B. No. 92: A bill to require personal representatives to give bond pending caveat of wills, and for other purposes;

H. B. No. 133: A bill to authorize the Government of the United States to hold lands in North Carolina for the purposes of a National Cemetery;

H. B. No. 42: A bill concerning lost or burnt records, with an amendment to the title; and unfavorably on

H. B. No. 139: A bill to prohibit the carrying of side arms; and

H. B. No. 8: A bill to protect laborers.

Mr. Shackelford, from the Committee on Engrossed Bills, reported as correctly engrossed the following bills:

H. B. No. 79: A bill to be entitled an act to incorporate the Newbern Gold Link Lodge, No. 1632, G. U. O. of Odd Fellows;

H. B. No. 19: A bill to repeal section 4, chapter 164, of laws of 1850-'51, entitled an act to amend an act to incorporate the Caldwell and Ashe Turnpike Company;

H. B. No. 154: A bill for the relief of Edward W. Taylor, tax collector of Brunswick county;

H. B. No. 124: A bill to amend chapter 19, laws of 1873-'74, entitled an act to restore the records of Watauga county;

And a message was sent to the Senate transmitting the above bills and asking the concurrence of that body in the same.

The following bills and resolutions were reported as correctly enrolled by Mr. Finger, of the Committee on Enrolled Bills:

An act extending the time for the sureties on the bond of John L. Harris, late sheriff of Person county, to settle with the State Treasurer;

An act to re-enact sections 24, 25, 26 and 27, of chapter 32, of the Revised Code;

A resolution to appoint a joint select committee to make a list of bonds and coupons, in the Treasurer's office;

A resolution to improve the Harbor of Edenton, North Carolina.

They were ratified by the Speaker of the House, and sent to the Senate for ratification by the President of that body.

Mr. Gudger, from the Committee on Propositions and Grievances, reported unfavorably on

S. R. No. 81: Resolution concerning Custom House at Newbern and obstructions, and

H. B. No. 89: A bill to amend section 1, chapter —, laws of 1872-'73, and favorably on

H. B. No. 132: A bill to prevent the felling of trees in Pigeon River, Haywood county, with an amendment;

H. B. No. 159: a bill to incorporate Pleasant Grove Camp Ground, Union county, with an amendment;

H. B. No. 126: A bill to incorporate Olive Branch Baptist Church, Union county, with an amendment;

H. B. No. 74: A bill to amend section 13, chapter 121, Battle's Revisal, relating to the distribution of Battle's Revisal with amendments;

H. B. No. 61: A bill to amend chapter 171, laws of 1873-'74,

as a substitute for H. B. No. 131, and recommend that it do

pass; and,

H. R. No. 62: Resolution of instruction to our Representatives in Congress concerning the tax levied and collected on Spirits Turpentine after the late war, with the recommendation that it do pass.

## INTRODUCTION OF RESOLUTIONS.

By Mr. Richardson: A resolution of inquiry to the Public Treasurer, which was placed on the calendar.

#### INTRODUCTION OF BILLS.

By Mr. McRae: A bill to secure the sufficiency of official bonds.

By Mr. Staples: A bill to amend section 31, sub-division 2, chapter 3, title 4, C. C. P., as brought forward in Battle's Revisal, both of which were referred to the Judiciary Committee.

By Mr. Kendall: A bill to amend section 31, chapter 105, Battle's Revisal, entitled Salaries and Fees. Referred to Committee on Salaries and Fees.

By Mr. Carson: A bill to amend chapter 111, section 2, laws of 1873-74. Referred to the Committee on Railroads, Postroads and Turnpikes.

By Mr. Boyd: A bill to protect the tax-payers of this State, and to amend chapter 97, Battle's Revisal, entitled Public Printing, which was placed on the calendar.

Under the resolution enrolled this morning, the Speaker announced the following gentlemen as composing the House Branch of the Joint Committee to take lists of bonds and coupons in the Treasurer's office: Messrs. Tate, Richardson, Barnett, McRae and Dula.

Leave of absence was granted to Mr. Means from and after Tuesday next until the following Monday, on account of important private business; to Mr. Norment until Monday, and to Mr. Boyd until Tuesday; all for the same reasons.

Mr. Boyd moved to suspend the rules and take up H. B. No. 153: A bill in relation to the fees of jailors, reported by the committee this morning.

Mr. Boyd accepted the substitute proposed by the Committee, and the question was on the substitute, which was adopted by the House; and the bill was put on its several readings, was passed, and was ordered to be engrossed.

The calendar was taken up.

S. B. No. 17: A bill to authorize the Commissioners of Tyrrell county to sell the present Poor House lot, &c., was, after some discussion, recommitted to the Committee on the Judiciary.

A message was received from the Senate transmitting S. B. No. 34: A bill for the general relief of sheriffs and tax collectors.

The bill was referred to the Committee on Finance.

The calendar was resumed.

H. B. No. 77: A bill to amend the charter of the Carolina Central Railway was taken up on its second reading.

After much discussion, Mr. Whisnant moved to postpone further consideration, and make the bill the special order for Friday next, with order to print, and the motion was adopted.

A message was announced from the Governor, transmitting reports of the President and Secretary of the Bureau of Immigration, Statistics and Agriculture, which was referred to the Committee on Immigration.

Mr. Mebane, by consent, made a report from the Committee on the Judiciary, and asked leave to report a bill in reference to gambling on fair grounds in compliance with H. R. No 11.

The bill takes its place on the calendar as H. B. No. 169.

Mr. Boyd moved to reconsider the vote by which H. B. No. 153, had passed the House, and to lay that motion on the table; and the motion to table was carried.

A message was received from the Senate, transmitting the following resolutions:

S. R. No. 126: Resolution concerning Battle's Revisal;

S. R. No. 136: Resolution concerning adjournment; and

S. R. No. 138: Resolution amending joint rules.

Resolutions 126 and 136 were ordered to be placed upon the calendar, and resolution 138, in relation to joint rules, was adopted.

Mr. Moring moved to suspend the rules, and take up and put S. R. No. 136 on its passage.

Mr. Moring offered the following amendment:

"Amend by fixing the time of adjournment on the 14th of December, and of meeting on the 11th day of January, 1875."

Mr. Boyd offered an amendment, which was withdrawn.

Mr. Shackelford asked leave to make an additional report from the Committee on Engrossed Bills. Leave was granted, and he reported that H. B. No. 153: A bill to regulate the fees of jailors, &c., had been correctly engrossed; and a message was sent to the Senate transmitting the same.

The discussion of S. R. No. 136 was resumed.

Mr. Moring called the previous question, and the main question was put on Mr. Moring's amendment.

The amendment was lost, and Mr. Pinnix sent forward the following amendment: Amend by striking out the "21st," and inserting "16th;" also by striking out "3d Monday in January," and inserting "1st Monday in February."

The question was then put on the amendment of Mr. Pinnix and it was lost.

The question was then upon the adoption of the resolution from the Senate, and it was put and carried.

Mr. Mebane moved to suspend the rules and take up S. B. No. 69: A bill in relation public arms, and the bill was taken up, put on its several readings and ordered to be enrolled.

By consent, Mr. Stephenson introduced a bill for the em-

ployment of a day keeper for the Capitol, and the bill was referred to the Committee on Public Buildings and Grounds.

Mr. King moved that the vote by which the resolution on adjournment had just passed, be reconsidered, and that motion be laid on the table, and the motion to table was carried.

Mr. McRae moved to suspend the rules and take up S. R. in relation to the printing of Winston's Reports.

The resolution was taken up, put on its several readings, passed and ordered to be enrolled.

The calendar was resumed.

H. B. No. 99: A bill to amend sections 1 and 2, chapter 37, laws of 1858, &c., was taken up, and, on motion, was laid on the table.

H. B. No. 100: A bill to amend chapter 97, section 8, of Revised Code, as brought forward, &c., was taken up, and, on motion of Mr. Patton, was indefinitely postponed.

H.B. No. 102: A bill to provide two additional terms of the Superior Court for the county of Wayne, was put on its several readings, was passed and ordered to be engrossed.

H. B. No. 109: A bill to prevent the selling or giving away of intoxicating liquors within one mile of Red Hill Colored Church, in Edgecombe county, was taken up.

The amendments of the committee were concurred in, and the bill was put on its second reading.

After discussion, Mr. Moring moved to refer the bill to the Committee on Propositions and Grievances, and it was so referred.

Mr. Whitley moved to take up S. R. No. 129: A resolution in regard to filing papers.

Mr. Boyd moved to strike out the words "pigeon holes," and insert "locked boxes."

The amendment was put and lost, and the question being upon the passage of the resolution, it was put on its several readings, passed and ordered to be enrolled.

Mr. Tate moved to reconsider the vote by which S. R. No.

87: A resolution providing for the printing of Winston's Reports had passed the House.

The reconsideration was had, and the resolution was referred to the Committee on Finance.

Mr. Brewington asked to withdraw H. R. No. 50 from the calendar and refer it to the Committee on Finance, and it was so ordered.

S. R. No. 78: A resolution concerning the survivors of the Mexican war, was adopted, and ordered to be enrolled.

H. R. No. 19: A resolution of instruction to Senators and Representatives in Congress, was adopted.

Mr. Johnston moved to suspend the rules and take up H. B. No. 146: A bill to amend section 32, chapter 105, Battle's Revisal.

The bill was taken up and Mr. Boyd offered the following amendment:

"Provided, that in all cases of acquittal of any person in a criminal action in the Superior Courts, the prosecutor, when he is to pay costs, thall pay in part of the bill of costs the same amount to such defendant as is allowed as pay to the State Solicitor upon conviction for the same offence."

Mr. Moring moved to postpone indefinitely, but withdrew his motion.

Mr. King moved to lay the bill on the table and called for the yeas and nays on that motion.

The motion was lost, and the question was put on the motion to table, which was carried, and the bill was laid on the table.

A message was sent to the Senate concurring in the resolution of the Senate to adjourn on the 21st day of December until the 18th day of January, 1875.

On motion of Mr. Presson, the House adjourned until tomorrow at 11 o'clock, A. M.

## SEVENTEENTH DAY.

SATURDAY, December 5, 1874.

The House met at 11 A. M., Mr. Speaker Robinson in the chair.

The Journal of yesterday was read and approved.

### PETITIONS AND MEMORIALS.

Mr. Good presented a memorial from citizens of Craven county in relation to the protection of small farmers, which was referred to the Committee on Agriculture, Mechanics and Mining.

#### REPORTS OF STANDING COMMITTEES.

The following bills and resolutions were reported as correctly enrolled by the Committee on Enrolled Bills:

An act to allow Clifton Ward, late sheriff of Sampson county, a credit of four hundred and two dollars on account of State taxes for the year 1874;

An act to extend the time of the sheriff of Franklin county to settle with the State Treasurer;

An act concerning the Board of Commissioners of Wake county;

An act to re-enact and revive sections 115, 116, 117 and 118, of chapter 31, of the Revised Code, concerning the removal of cases; which were ratified by the Speaker of this House, and transmitted to the Senate for ratification by the President of that body.

Mr. McRae, from the Committee on the Judiciary, reported favorably on H. B. No. 156, to amend chapter 17, Battle's Revisal, known as C. C. P., title 12, section 276, sub-division 4;

On H. B. No. 165: A bill to secure the sufficiency of official bonds; and unfavorably

On H. B. No. 57: A bill for the better protection of Orchards and Gardens;

On H. B. No. 155: A bill to secure justice to parties interested in judicial sales; and,

On H. B. No. 135: A bill concerning corporations.

Mr. Erwin, from the same committee, reported favorably on H. B. No. 108, a bill for the relief of the tax-payers of Burke and McDowell counties.

Mr. Moring, from the same committee, reported unfavorably on H. B. No. 95, a bill to create a laborers' and mechanics' lien law, and for other purposes.

Mr. Shackelford, from the Committee on Engrossed Bills, reported the following bills and resolutions as correctly engrossed:

H. B. No. 102: A bill providing for two additional terms of the Superior Court for the county of Wayne;

H. R. No. 19: Resolution of instruction to the Senators and Representatives in Congress from North Carolina, and they were transmitted to the Senate, with a message, asking the concurrence of that body in the same.

Mr. Tate, from the Committee on Finance, reported on S. B. No. 123, H. B. No. 138, with an amendment, and with the amendment recommend that the bill do pass.

## INTRODUCTION OF BILLS.

By Mr. Mebane: A bill to amend chapter 95, public laws of 1872-73.

By Mr. Tate: A bill to change the time of holding certain Courts in the 11th District.

By Mr. Candler: A bill to prohibit the carrying of side arms, all of which were referred to the Committee on the Judiciary.

By Mr. Good: A bill for the benefit of small farmers, which was referred to the Committee on Agriculture, Mechanics and Mining.

By Mr. Fields: A bill to reduce the bond of the Superior Court Clerk and sheriff of Alleghany county. Referred to the Committee on Propositions and Grievances.

The Speaker announced the following gentlemen as composing the Joint Committee on Immigration: Messrs. Pinnix, Jessup, Wheeler, Wells and Stephenson, and a message was sent to the Senate informing that body of the same.

Mr. Foote introduced resolutions in relation to the death of the late Governor, Hon. Tod R. Caldwell.

Mr. Dula moved to suspend the rules and put the resolutions on their passage. The motion was lost, and the resolutions were ordered to be placed on the calendar.

## THE PRIVATE CALENDAR

was taken up, and H. B. No. 126: A bill to incorporate Olive Branch Baptist Bhurch, in the county of Union, was taken up.

The amendments of the Committee were accepted by the House, and the bill was put on its several readings, passed, and was ordered to be engrossed.

Indefinite leave of absence was granted to Mr. Strong, on account of important private business; to Mr. Kendall until Wednesday next; to Mr. Barnett until Tuesday next, on account of important business: and to Mr. Scott until Thursday, on account of sickness.

By consent, Mr. Means introduced a bill to amend chapter 14, private laws of 1869-'70, and to punish gambling. Referred to the Judiciary Committee.

By consent, Mr. Munden introduced a bill to provide for the payment of overseers of public roads. Referred to the Committee on Propositions and Grievances.

Mr. Jones asked to suspend the rules, and take up S. B. No. 123: A bill for the relief of the sheriff of Halifax county.

The amendments recommended by the committee were adopted; and the bill was then put on its several readings, passed, and was ordered to be enrolled.

Mr. Gudger asked leave to make a report from the Commit tee on Propositions and Grievances, and reported on

H. B. No. 148: A bill for the relief of the sureties of T. F. Lee, late sheriff of Wake, with an amendment, and recommended that it do pass; and on

H. B. No. 149: A bill for the relief of the sureties of T. F. Lee, late sheriff of Wake county, with an amendment, and recommended that it do pass.

Mr. Walker, of Richmond, by consent, introduced a bill concerning the publication of accounts audited by County Commissioners, which was referred to the Judiciary Committee.

Mr. Take asked leave, and made a further report from the Finance Committee on S. B. No. 34: A bill for the general relief of sheriffs and tax collectors, with a recommendation that it do pass.

The calendar was resumed, and

H. B. No. 159: A bill to incorporate Pleasant Grove Camp Ground, was taken up.

The amendments propesed by the committee were adopted; and the bill was put on its several readings, passed, and was ordered to be engrossed.

Mr. Finger moved so suspend the rules and take up H. B. No. 169: A bill to prevent swindling, &c., at Fair Grounds.

An amendment to the bill was adopted by the House, and, on motion of Mr. Finger, the bill, with amendments, was recommitted to the Judiciary Committee.

The calendar was resumed, and S. R. No. —, Resolution in relation to Battle's Revisal, was, on motion, referred to the Committee on Judiciary.

S. R. No. 81: Resolution concerning custom-house at Newbern, and obstruction, was, on motion, laid on the table.

H. R. No. 62: Resolution in relation to the tax levied on turpentine since the war, was taken up and adopted, and ordered to be engrossed.

Mr. Munden asked leave to introduce a bill to allow J. L.

Wood, sheriff of Pasquotank, to collect arrears of taxes, which was ordered to be placed on the calendar.

The calendar was resumed, and H. R. No. 42: A joint resolution in relation to the bankrupt law, was taken up.

Mr. McRae moved to lay the resolution on the table, but withdrew his motion at the instance of Mr. Hanner; but after discussion renewed his motion, and the resolution was laid on the table.

H. R. No. 49: Resolution on adjournment, was taken up, and, on motion of Mr. Patton, was laid on the table.

H. R. No. 51: Resolution in regard to the Treasury, was taken up, and was adopted, and ordered to be engrossed and sent to the Treasury Department.

H. R. No. 57: Resolution on adjournment was, on motion, of Mr. McCubbins, postponed indefinitely.

H. R. No. 55: Resolutions in regard to invitation from the Cape Fear Agricultural Association, to attend the next annual Fair at Wilmington, were concurred in.

H. R. No. 59: Resolution of inquiry of the Public Treasurer, was adopted.

H. B. No. 8: A bill to protect laborers, was, on motion, recommitted to the Committee on Judiciary.

H. B. No. 42: A bill on lost or destroyed records was taken up. The title was amended by order of the House, and the bill was then put on its several readings, passed, and was ordered to be engrossed.

H. B. No. 61, a substitute for H. B. No. 31: A bill to amend chapter 171, laws of 1873-'74, was taken up.

On motion of Mr. Oaksmith, the original bill was laid on the table, and H. B. No. 61 was then put on its several readings, was passed and ordered to be engrossed.

A message was received from the Senate transmitting S. B. No. 73: A bill to allow Clifton Ward, late sheriff of Sampson county, a credit of four hundred dollars on account of State taxes for the year 1874, and asking the concurrence of the House therein. The bill was placed upon the calendar.

Mr. Bryan asked a suspension of the rules to take the bill from the calendar and the motion was carried, and the bill was taken up and put on its several readings, passed, and was ordered to be enrolled.

Mr. Shackelford moved to reconsider the vote by which H. B. No. 61 passed the House, and to lay that motion on the table, and the motion to table was carried.

Mr. Bryan moved to reconsider the vote by which S. B. No. 73 had passed the House, and to lay that motion on the table, and the motion to table was carried.

H. B. No. 74: A bill in relation to the distribution of Battle's Revisal, was taken up and the amendments of the Committee were adopted.

Mr. Griffin sent forward the following amendment: Amend by inserting the words, "county treasurer" after sheriff.

Mr. Lloyd sent forward an additional amendment: Add "county surveyors."

The question was on the amendment to the amendment, and it was lost.

Mr. Griffin's amendment was then adopted.

Mr. Mebane moved to lay the bill on the table, which motion was lost.

Mr. Mebane called for the yeas and nays, and the bill was put on its second reading, as amended, with the following result:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Atwater, Ballard, Barnett, Barnhardt of Caldwell, Bearnheardt of Rowan, Bennett, Bettis, Bizzell, Blythe, Carson, Fields, Freeman, Gaither, Gash, Green, Griffin, Gudger, Harrison, Haymore, Holt, Hooker, Hughes, Hurley, Jetton, Kendall, Latta, McCubbins, McRae, Means, Mitchell, Moring, Moseley, Mullen, Oaksmith, Parker, Proffit, Reid, Richardson, Scott, Sharpe, Smith of Hyde, Stowe, Thompson of Lincoln, Ward, Whitley and Wood—47.

The following gentlemen voted in the negative:

Messrs. Barrett, Brewington, Bryson, Candler, Davis of Haywood, Davis of Jackson, Dortch, Dula, Eatman, Elliott, Erwin, Finger, Foote, Garrison, Glenn, Godwin, Good, Hicks, Hill, Johnston, King, Lloyd, McIver, McNeill, Mebane, Mendenhall, Mock, Moffitt, Moore, Munden, Parrott, Patton, Pinnix, Presson, Shackelford, Smith of Anson, Staples, Stephenson, Tate, Walden, Walker of Richmond, Walker of Tyrrell, Whisnant, Wiley and Woodhouse—45.

The bill was put on its third reading and failed to pass.

H. B. No. 92: A bill requiring personal representatives to give bond pending caveat of wills, &c., was taken up, and put on its several readings, passed, and was ordered to be engrossed.

H. B. No. 104: A bill to provide clerical aid and traveling expenses for the Superintendent of Public Instruction was taken up, and, on motion of Mr. Stephenson, further consideration was postponed, and it was made the special order for Monday next at 12 o'clock.

Mr. Gash moved to reconsider the vote by which H. B. No. 74, failed to pass. The motion prevailed.

Mr. Means sent forward an amendment to strike out "county treasurer" after word "sheriff," and called the previous question.

The call was sustained, and the question was put on the amendment of Mr. Means, and the amendment was lost.

Mr. Means moved to refer the bill to the Committee on Propositions and Grievances.

Mr. Mebane moved to indefinitely postpone.

On Mr. Means' motion the question was put, and it was lost.

The bill was put on its final reading with the following result:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Atwater, Ballard, Barnhardt of Caldwell, Bernheardt of Rowan, Bennett, Bettis, Bizzell, Blythe, Brewington, Bryant, Bunn, Carson, Carter, Crews, Davis of Jackson, Dula, Etheridge, Fields, Freeman, Gaither, Gash, Godwin, Green, Griffin, Gudger, Harrison, Haymore, Hicks, Holt, Hughes, Hurley, Jetton, Jones, Kendall, Latta, Lloyd, McCubbins, McRae, Means, Mitchell, Moore, Moring, Moseley, Mul-

len, Newell, Oaksmith, Page, Parker, Presson, Proffitt, Reid, Richardson, Scott, Sharpe, Smith of Hyde, Stowe, Thompson, of Lincoln, Trivett, Walden, Ward, White, Whitley, Wiley, Wood and Young—66.

The following gentlemen voted in the negative:

Messrs. Barrett, Bryson, Candler, Davis of Haywood, Dortch, Eatman, Elliott, Erwin, Finger, Foote, Garrison, Glenn, Good, Johnston, King, McIver, McNeill, Mebane, Mendenhall, Mock, Moffitt, Munder, Parrott, Patton, Pinnix, Smith of Anson, Stephenson, Tate, Walker of Richmond, Walker of Tyrrell, Whisnant and Woodhouse—32.

A message was received from the Senate transmitting H. B. No. 153: A bill concerning the fees of jailors, &c., with an amendment, without engrossment, and asking the concurrence of the House in the same.

A message was sent, transmitting the bill back to the Senate, and asking engrossment and the incorporation of the amendments into the bill in such a shape as they may be intelligible to this House.

- H. B. No. 110: A bill concerning Courts of Probate, was taken up, and was, on motion, laid on the table.
- H. B. No. 113: A bill to amend chapter 91, laws of 1869-'70, was taken up, and, on motion, laid on the table.
- H. B. No. 114: A bill requiring solicitors of the various judicial districts to follow up and prosecute, &c., was, on motion, laid on the table.
- H. B. No. 118: A bill to amend Battle's Revisal, chapter 17, sections 198 and 199 (b), was taken up, and passed its several readings, and was ordered to be engrossed.
- H. B. No. 119: A bill to provide for the payment of jurors in the different counties in the State, was taken up, and, on motion, was laid on the table.

Mr. Munden asked leave to take up bill to allow J. L. Wood, late sheriff of Pasquotank, to collect arrears of taxes.

On motion of Mr. Patton, the bill was laid on the table.

A message from the Senate was received, transmitting back

H. B No. 153, and asking the concurrence of the House in the amendments of the Senate.

The House concurred therein, and a message was sent to the Senate to that effect.

On motion, the House adjourned until Monday morning at 11 o'clock.

# EIGHTEENTH DAY.

Monday, December 7th, 1874.

The House met at 11 o'clock, Mr. Speaker Robinson in the chair.

Prayer by the Rev. Mr. Atkinson, of this city.

### PETITIONS AND MEMORIALS.

Mr. Tate presented a petition from the citizens of the town of Excelsior, which was referred with the bill to follow to the Committee on Propositions and Grievances.

## REPORTS OF STANDING COMMITTEES.

Mr. Erwin, from the Judiciary Committee, reported favorably on the following bills:

On H. B. No. 166: A bill to amend section 31, sub-division 3, title 4, C. C. P., as brought forward in Battle's Revisal;

H. B. No. 175: A bill to amend chapter 95, public laws of 1872-73;

H. B. No. 134: A bill to amend section 27, chapter 32, Battle's Revisal.

Mr. Pinnix, from the same committee, reported favorably on H. B. No. 142, a bill providing for the enforcement of de-

crees in suits in Equity, rendered prior to a certain act of 1806; and upon,

H. B. No. 66, S. B. No. 17: A bill to authorize the County Commissioners of Tyrrell county to sell the present Poor House lot, &c.

Mr. Walker, of Richmond, from the same committee, reported favorably on H. B. No. 177, concerning the publication of accounts audited by Commissioners.

Mr. Tate, from the Finance Committee, reported on H. B. No. 160, giving compensation to the sheriffs of the several counties of this State for bringing convicts to the State Prison, with an amendment, recommending that it do pass.

Mr. Finger, from the Committee on Enrolled Bills, reported the following bills and resolutions as correctly enrolled:

Resolution on adjournment;

An act in relation to public arms;

Resolution concerning the survivors of the Mexican war;

An act to amend chapter 181, laws of 1872-'73, entitled an act for "Amnesty and Pardon," Battle's Revisal, chapter 4, section 6;

Resolution in regard to filing papers.

And they were ratified by the Speaker of this House, and ordered to be sent to the Senate, for ratification by the President thereof.

Mr. Shackelford, from the Committee on Engrossed Bills, reported the following bills and resolutions as correctly engrossed:

H. B. No. 132: A bill to prevent the felling of trees in Pigeon river, in the county of Haywood;

H. B. No. 42: A bill concerning lost or destroyed records;

H. B. No. 126: A bill to be entitled an act to incorporate Olive Branch Church, in the county of Union;

H. B. No. 159: A bill to be entitled an act to incorporate Pleasant Grove Camp Ground, in the county of Union;

H. B. No. 74: A bill to amend section 13, chapter 121, of Battle's Revisal, relating to the distribution of Battle's Revisal;

H. B. No. 118: A bill to amend Battle's Revisal, chapter 17, sections 198 and 199, in relation to attachments;

H. B. No. 92: A bill to require personal representatives to give bond pending caveat of wills, and for other purposes;

H. R. No. 62: Resolution of instruction to our Serators and Representatives in Congress, concerning the tax levied and collected on spirits of turpentine after the late war;

H. R. No. 59: Resolution of inquiry to the Treasurer; and

H. R. No. 51: Resolution in regard to Treasury.

A message was sent to the Senate, transmitting the same, and asking the concurrence of that body therein.

## INTRODUCTION OF RESOLUTIONS.

By Mr. Mebane: A resolution in regard to the Centennial. By Mr. Richardson: A resolution of instruction to the State Geologist.

Both of which were placed on the calendar.

## INTRODUCTION OF BILLS.

By Mr. Walden: A bill to amend chapter 137, laws of 1873-'74.

By Mr. Finger: A bill to authorize any notary public to take the privy examination of married women in certain cases.

By Mr. Walker, of Richmond: A bill concerning jurisdiction of justices of the peace.

All of which were referred to the Committee on Judiciary.

By Mr. Woodhouse: A bill to incorporate the Light House Club, Currituck sound. Referred to the Committee on Corporations.

By Mr. Erwin: A bill in favor of the contractors and employees of the Marion and Asheville Turnpike. Referred to the Committee on Propositions and Grievances.

By Mr. Eatman: A bill to prevent usury. Referred to Committee on Banks and Currency.

By Mr. Gudger: A bill to amend the charter of the North Carolina Railroad Company, and for other purposes therein mentioned, which was placed on the calendar.

The morning hour having expired the calendar was taken up.

S. B. No. 34: A bill for the general relief of sheriffs and tax collectors, was taken up on its second reading.

Mr. Griffin offered an amendment to include the years 1870 and 1871.

Mr. Tate, as chairman of the Committee, accepted the amendment, and the question was on the bill as amended.

Mr. Oaksmith offered the following amendment: Strike out "1875" and insert "1876," and the bill passed its second reading, and was put on its third reading.

Mr. Dula offered the following amendment: Insert "1868 and 1869" before "1870 and 1871," and the amendment was put and lost.

Pending the consideration of the bill, a message was received from the Senate transmitting the following bills:

S. B. No. 14: A bill to give justices of the peace jurisdiction in the proceedings in the nature of forcible entry and detainer; and

S. B. No. 26: A bill to amend section 6, chapter 91, Battle's Revisal.

S. B. No. 34 was resumed.

Mr. Norment sent forward the following amendment: Strike out "1870-'71-'72."

The amendment was put and lost, and the bill was put on its third reading and passed, and a message was sent to the Senate, asking concurrence in the amendments.

S. B. No. 14, was referred to the Judiciary Committee, and S. B. No. 26, to the same committee.

H. B. No. 57: A bill for the protection of orchards and gardens was taken up, and, on motion, was recommitted to the Judiciary.

H. B. No. 86: A bill to amend section 1, chapter 81, laws

of 1868-'69, was taken up and put on its several readings, and passed, and was ordered to be engrossed.

H. B. No. 108: A bill for the relief of the tax-payers of Burke and McDowell, was taken up, and, on motion, was made the special order for to-morrow at 12 M.

A message from the Senate was received, transmitting S. B. No. 185: A bill for the relief of James I. Moore, sheriff of Granville county, and asking the concurrence of the House therein, and the bill was referred to the Finance Committee.

A message was received from the Senate informing the House that that body had concurred in the proposition to raise a joint select committee to examine the bonds and coupons in the Treasurer's office, and naming Messrs. LeGrand, Waddell and Cashwell as the committee on the part of the Senate; also that Messrs. Waring, Love and Stanford constituted the Senate branch of the Committee on Immigration, and that the Senate had concurred in the amendments adopted by the House to the bill for the relief of the sheriff of Halifax county, and his sureties, and had ordered the same to be enrolled for ratification.

## SPECIAL ORDER.

H. B. No. 104: A bill to provide for clerical aid for the Superintendent of Public Instruction, was taken up at 12 o'clock, the hour making the bill special order.

On motion of Mr. Mebane, it was postponed, and made the special order for Monday next at 12 M.

Mr. Walden moved to take from the hands of the Committee the bill introduced by himself this morning.

The bill was taken out, put on its second reading and failed to pass.

H. B. No. 127: A bill to extend the time of the collection of the arrearages of taxes was taken up; and,

On motion of Mr. Finger, was laid on the table.

H. B. No. 133: A bill to authorize and empower the Gov-

ernment of the United States to purchase and hold lands in North Carolina for the purpose of a National Cemetery, was taken up and passed its several readings.

Mr. Shackelford moved to reconsider the vote by which H.

B. No. 186, had failed to pass its second reading.

The motion prevailed, and the bill was referred to the Committee on Propositions and Grievances.

Mr. Hughes moved to take up S. B. No. 185: A bill for the relief of James I. Moore, sheriff of Granville, from the hands of the committee, and the House refused to take it out.

H. B. No. 135: A bill concerning corporations, was taken

Mr. Pinnix moved that the bill be recommitted to the Committee on the Judiciary, and it was so ordered.

H. B. No. 139: A bill to prohibit the carrying of side arms,

was, on motion of Mr. McRae, laid on the table.

H. B. No. 144: A bill declaring shares of stock in corporations to be personal estate, was put on its several readings and passed, and was ordered to be engrossed.

H. B. No. 155: A bill to secure justice to parties interested in judicial sales, was, on motion of Mr. Walker, of Richmond, laid on the table.

H. B. No. 156 was passed over.

H. B. No. 165: A bill to secure the sufficiency of official bonds, was taken up.

Mr. Pinnix sent forward the following amendment:

"That no member of the Board of Commissioners of any county shall become a surety on any official bond upon the sufficiency of which, such Board of which he may be a member, have to pass."

The amendment was adopted.

Mr. Lloyd offered an amendment, which was lost, and the bill was put on its second reading.

Mr. Lloyd offered the following amendment:

"Provided, That this act shall not apply to the county of New Hanover."

The amendment was lost.

Mr. Gash moved to amend by striking out "3" and insert "5," and the amendment was accepted.

Mr. Lloyd called for the yeas and nays.

The call was not sustained, and the bill passed its second reading.

On the third reading, Mr. Lloyd moved that the bill be made the special order for 12 o'clock on Friday next, which motion was lost.

Mr. Brewington called for the yeas and nays, and the call was not sustained.

Mr. Means moved to recommit the bill, and it was so ordered.
Mr. Gudger moved that the bill introduced by him to-day,

in relation to the North Carolina Railroad Company, and for other purposes, be printed, and it was so ordered.

A message was received from the Senate transmitting H. B. No. 105, S. B. No. 120: A bill to amend the act to incorporate the Cape Fear Agricultural Association, with the following amendments: Insert after word "corporations" in section 3, line 14, the words "of a like nature;" and without engrossment, was sent to the House, asking the concurrence of the House therein, and the House concurred, and the bill was ordered to be enrolled.

A message was received from the Senate transmitting S. B. No. 121: A bill to amend chapter 27, laws of 1873-74, and asking the concurrence of the House in the same. The bill was read for the first time, and referred to the Committee on Propositions and Grievances.

Mr. Shackelford, from the Committee on Engrossed Bills, by consent, submitted a report of the correct engrossment of the amendments to H. B. No. 72, and a message was ordered to be sent to the Senate transmitting and asking the concurrence of the Senate in the same.

The calendar was resumed, and H. B. No. 170: A bill to protect the tax-payers of the State in connection with the public printing, was passed over informally.

Mr. Moring moved to take up H. R. No. 65: Resolution in regard to the Centennial, and it was taken up, adopted and

ordered to be engrossed.

On motion of Mr. Anderson, the House adjourned until tomorrow at 11 o'clock.

# NINETEENTH DAY.

Tuesday, December 8th, 1874.

The House met at 11 o'clock, Mr. Speaker Robinson in the chair. Prayer by the Rev. Mr. Marshall, of the city.

The Journal of yesterday was read and approved.

# PETITIONS.

Petitions were presented by Mr. Mock from citizens of Thomasville in relation to the manufacture and sale of liquors.

By Mr. Pinnix, from the ladies of Thomasville, in regard to the same, and by Mr. Walker, of Richmond, a memorial from the citizens of Rockingham, asking a repeal of the prohibitory law; all of which were referred to the Committee on Propositions and Grievances.

# REPORTS FROM STANDING COMMITTEES.

Mr. Means, from the Committee on Banks and Currency reported back H. B. No. 183, a bill to prevent usury, with the recommendation that it be referred to the Committee on Judiciary; and it was so ordered.

Mr. Richardson, from the Committee on Corporations, reported favorably on H. B. No. 189, a bill to incorporate the Light House Club of Currituck sound;

On H. B. No. 125: A bill to incorporate Ferguson's Camp Ground of the Methodist Church, in the county of Haywood;

S. B. No. 47: A bill to incorporate Monroe High School, in the county of Union.

Mr. Erwin, from the Committee on the Judiciary, reported favorably on H. B. No. 140, a bill to change the time of holding certain Courts in the 11th Judicial District.

Mr. Tate, from the Committee on Finance, reported back S. B. No. 185, a bill for the relief of James I. Moore, sheriff of Granville county, with an amendment, and recommended that the bill with the amendment do pass.

Mr. Woodhouse, from the Committee on Railroads, Post Roads and Turnpikes, reported favorably on H. B. No. 168, a bill to amend an act passed at the session of 1873-'74.

Mr. Pinnix, from the Committee on Immigration, reported favorably on H. B. No. 136, a bill to amend an act to establish a Bureau of Immigration, Statistics and Agriculture.

Mr. Shackelford, from the Committee on Engrossed Bills reported the following bills and resolutions as correctly en' grossed:

H. B. No. 133: A bill to authorize the Government of the United States to purchase and hold lands in North Carolina for the purpose of a National Cemetery;

H. R. No. 144: A bill declaring shares of stock in corporations to be personal property; and,

H. R. No. 65: Resolution in regard to the Centennial, and a message was sent to the Senate transmitting the same and asking the concurrence of that body therein.

Mr. Finger, from the Committee on Enrolled Bills, reported the following bills and resolutions as correctly enrolled:

An act to amend an act entitled an act to incorporate the Cape Fear Agricultural Association, ratified the 12th day of April, 1869;

An act for the relief of Edward W. Taylor, tax collector of Brunswick county;

An act for the relief of the sheriff of Halifax and his sure-

Resolution of instruction to the Senators and members of the House of Representatives in Congress from North Carolina, and they were ratified by the Speaker of the House and were transmitted to the Senate to be ratified by the President of that body.

## INTRODUCTION OF RESOLUTIONS.

By Mr. Mebane: A resolution of instruction to the Committee on Claims. Placed on the calendar.

By Mr. Tate: A resolution of instruction to our Representatives in Congress to procure the repeal of the tax clause in the national bank law. Referred to the Committee on Finance.

By Mr. Finger: A resolution to raise a commission on the State debt. Referred to the Joint Select Committee on the State Debt.

By Mr. Reid: A resolution in relation to the public debt. Referred to the Joint Select Committee on the State Debt.

### INTRODUCTION OF BILLS.

By Mr. McIver: A bill to repeal sections 5 and 6, chapter 2, Battle's Revisal. Referred to the Committee on Finance.

By Mr. Means: A bill to give compensation to sheriffs bringing convicts to the State prison. Referred to the Comtee on Finance.

By Mr. Mendenhall: A bill to amend section 5, chapter 138, laws of 1873-'74. Referred to the Committee on Propositions and Grievances.

By Mr. Oaksmith: A bill to amend section 17, chapter 112,

Battle's Revisal. Referred to the Committee on Railroads, Post Roads and Turnpikes.

The morning hour having expired, the calendar was taken up.

H. B. No. 112: A bill to establish the rate of interest, and to repeal chapter 114, Battle's Revisal, was, on motion, referred to the Committee on Judiciary.

H. B. No. 134: A bill to amend section 27, chapter 32, Battle's Revisal, was taken up, passed its several readings, and was ordered to be engrossed and sent to the Senate.

H. B. No. 142: a bill providing for the enforcement of decrees in suits in equity rendered prior to a certain act of 1806, was taken up, passed its several readings, and ordered to be engrossed and sent to the Senate.

On motion of Mr. Shackelford the rules were suspended and S. B. No. 185: A bill for the relief of the sheriff of Granville county, was taken up. The amendments of the committee to whom the bill was referred were adopted, and the bill passed its several readings, and a message was ordered to be sent to the Senate asking the concurrence of that body in the bill as amended.

Mr. Shackelford, moved to reconsider the vote by which the bill passed its third reading and to lay that motion on the table. The motion prevailed.

Leave of absence was granted for three days to Mr. Carter on account of sickness.

Mr. Gudger asked leave to make a report from the Committee on Propositions and Grievances, which was granted, and he reported favorably on

S. B. No. 38, H. B. No. 151: A bill concerning the taking of fish from the waters of Goshen Swamp, Duplin county, and unfavorably on

H. R. No. 56: Resolution in favor of the depositors in the Freedman's Savings and Trust Company;

H. B. No. 178: A bill to reduce the bond of the Superior Court Clerk and Sheriff of Alleghany county.

H. B. No. 179: A bill to provide for the payment of overseers of public roads.

The calendar was resumed, and House Bills Nos. 148 and were passed over informally.

H. B. No. 155: A bill to amend chapter 17 of Battle's Revisal, known as the Code of Civil Procedure, Title 12, section 276, subdivision 4, was taken up and put on its several readings and passed, and was ordered to be engrossed and sent to the Senate.

H. B. No. 156: A bill to amend section 31, subdivision 2, chapter 3, Title 4, C. C. P., as brought forward in Battle's Revisal, was put on its several readings, passed and was ordered to be engrossed.

H. B. No. 170: A bill to protect the tax-payers of the State and to amend chapter 97, Battle's Revisal, entitled "Public Printing," was taken up.

Mr. Richardson moved to refer the bill to the Joint Committee on Printing; and on that motion Mr. Boyd called for the yeas and nays, and the bill was committed by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Atwater, Ballard, Barnhardt of Caldwell, Bernheardt of Rowan, Barrett, Bennett, Bettis, Bizzell, Bryan, Bryson, Candler, Carson, Carter, Davis of Haywood, Davis of Jackson, Dortch, Eatman, Erwin, Etheridge, Fields, Finger, Freeman, Gaither, Garrison, Gash, Green, Griffin, Gudger, Hanner, Harrison, Haymore, Hicks, Holt, Hurley, Isler, Jessup, Jetton, Johnston, King, Latta, Martin, McCallop, McCubbins, McIver, McNeill, McRae, Mebane, Mendenhall, Mitchell, Mock, Moffitt, Moring, Moseley, Newell, Oaksmith, Page, Parrott, Patton, Pinnix, Presson, Proffitt, Reid, Richardson, Sharpe, Smith of Anson, Smith of Hyde, Staples, Staton, Stephenson, Stowe, Tate, Thompson of Lincoln, Walker of Richmond, Walker of Tyrrell, Whitley, Wiley, Woodhouse and Young—79.

The following gentlemen voted in the negative:

Messrs. Blythe, Boyd, Brewington, Bunn, Crews, Elliott, Foote, Godwin, Good, Hill, Hughes, Lloyd, Munden, Norment, Parker, Trivett, Walden, Ward, Wheeler, Whisnant, White and Wood—22.

H. B. No. 160: A bill to allow compensation to sheriffs for bringing prisoners to the penitentiary, was taken up.

Mr. Tate moved that the bill be re-committed, and it was so ordered.

H. B. No. 175: A bill to amend chapter 95, of the public laws of 1872-'73, was taken up and put on its several readings and passed, and ordered to be engrossed.

H. B. No. 177: A bill concerning the publication of accounts audited by county commsssioners, was taken up and put on its several readings, passed, and ordered to be engrossed.

#### SPECIAL ORDER.

The special order, being H. B. No. 108: A bill for the relief of the tax payers of the counties of Burke and McDowell, was taken up and put on its second reading.

Mr. Oaksmith sent forward an amendment, but withdrew it by leave of the House.

Mr. Woodhouse effered the following amendment: "After "Burke and McDowell" insert "Currituck."

The amendment was put to a vote and lost.

Mr. Brewington moved to amend by adding, "and likewise the county of New Hanover;" and the amendment was put and lost.

Mr. Dula offered the following amendment:

"That the proceeds of all vacant lands in Wilkes county shall be applied to the improvement of the public road leading from Wilkesboro,' in said county of Wilkes, to Statesville, in the county of Iredell, and to be applied on that part of said road located between the town of Wilkesboro' and Benjamin Kilby's on said road."

The question was upon the amendment, and it was lost.

Mr. Bettis moved to amend by inserting "likewise the county of Cleaveland," and the amendment was put and lost.

Mr. Boyd offered the following amendment:

"That the proceeds of the public lands in the county of Alamance be paid to the county treasurer of said county to be placed to the credit of the school fund of said county."

The amendment was put and lost, and the question was on the passage of the bill on its second reading, and the question was put and the bill failed to pass.

A message was received from the Senate informing the House that the Senate had refused to pass H. B. No. 47, S. B. No. 117: A bill for the relief of James W. Horton, tax collector of Watauga county, for the reason that the county commissioners have already power to extend the time for settlement until the 1st of May.

The calendar was resumed, and S. B. No. 17: A bill to authorize the commissioners of Tyrrell county to sell the present poor house lot, &c., was taken up and put on its several readings, passed, and was ordered to be enrolled.

H. R. No. 64: Resolution of instruction to the State Geologist, was adopted.

H. R. No. 63: Resolution in regard to the death of Tod R. Caldwell, late Governor of North Carolina, was, on motion of Mr. Walker, of Richmond, made special order for Friday next, at 12 o'clock.

Mr. Tate moved to suspend the rules and take up H. B. No. 174: A bill to change the time of holding courts in some of the counties of the 11th Judicial District.

The rules were suspended and the bill put on its several readings, passed, and wss ordered to be engrossed.

On motion of Mr. Erwin, the use of this Hall was granted to Mr. Davies to-night for the purpose of a lecture.

Mr. Stephenson moved to take S. B. No. 36, H. B. No. 96:

A bill in relation to the Wake county Work House, or House of Correction, from the committee and place it upon the calendar.

Leave was granted, and the bill was then put on its several readings, passed and was ordered to be enrolled.

Mr. Tate moved to reconsider the vote by which the bill for the relief of the tax-payers of Burke and McDowell counties failed to pass its second reading, and the consideration of that motion was passed over.

Mr. Pinnix moved to take up H. B. No. 136: A bill amendatory of an act to establish a Bureau of Immigration, Statistics and Agriculture, and the bill was taken up, put on its several readings, passed and ordered to be engrossed.

By leave, Mr. Walker, of Richmond, introduced a petition from sheriffs concerning fees, which was referred to the Committee on Salaries and Fees.

Mr. Woodhouse asked a suspension of the rules to take up H. B. No. 189, a bill to incorporate the Light House Club of Currituck sound, reported by the Committee this morning, and the bill was taken up, put on its several readings, passed, and was ordered to be engrossed.

Mr. Woodhouse moved to reconsider the vote by which the bill passed its third reading, and to lay that motion on the table, and the motion to table prevailed.

On motion of Mr. Finger, the House adjourned until tomorrow at 11 o'clock.

# TWENTIETH DAY.

WEDNESDAY, December 9th, 1874.

The House met at 11 o'clock, Mr. Speaker Robinson in the chair.

The Journal of yesterday was read and approved.

Mr. Norment asked leave to record his name in the negative in the vote of yesterday on Mr. Boyd's call for the yeas and nays on the motion of reference of H. B. No. 170 to the Joint Committee on Printing, and it was so recorded.

## REPORTS OF STANDING COMMITTEES.

Mr. McRae, from the Judiciary Committee, reported on H. B. No. 140, a bill to amend chapter 105, laws of 1872-'73, as brought forward in Battle's Revisal, in regard to homestead exemption, with a substitute for the same.

Mr. Carson, from the Committee on Agriculture, Mechanics and Mining, reported unfavorably on H. B. No. 180, a bill for

the benefit of small farmers.

Mr. Mebane, from the Committee on the Judiciary, reported on H. B. No. 117, a bill to amend chapter 38, as brought forward in Battle's Revisal, with an amendment, and with the amendment it is recommended that the bill do pass.

Mr. Shackelford, from the Committee on Engrossed Bills, reported as correctly engrossed the following bills and resolu-

tions:

H. B. No. 142: A bill providing for the enforcement of decrees in suits of equity rendered prior to a certain act of 1806;

H. B. No. 156: A bill to amend chapter 17 of Battle's Revisal, known as the Code of Civil Procedure, title 12, section 276, subdivision 4;

H. B. No. 177: A bill to be entitled an act concerning the

publication of accounts audited by county commissioners;

H. B. No. 136: A bill to be entitled an act to amend an act to establish a Bureau of Immigration, Statistics and Agriculture;

H. B. No. —: A bill to change the time of holding Superior Courts in the Eleventh Judicial District;

H. B. No. 134: A bill to be entitled an act to amend section

27, chapter 32, of Battle's Revisal;

H. B. No. 175: A bill to amend chapter 95, public laws of the session of 1872-'73;

H. B. No. 166: A bill to amend section 31, subdivision 2, chapter 3, title 4, Code of Civil Procedure, brought forward in Battle's Revisal;

H. B. No. 189: A bill to be entitled an act to incorporate the Light House Club of Currituck sound; and

H. R. No. 64: Resolution of instruction to the State Geologist;

And a message was sent to the Senate transmitting the same, and asking the concurrence of that body therein.

Mr. Finger, from the Committee on Enrolled Bills, reported the following bills and resolutions as correctly enrolled:

An act to amend the charter of the Greenville and French Broad Railroad Company;

An act in relation to the Wake County Work House or House of Correction;

An act to authorize the Commissioners of Tyrrell county to sell the present poor house lot and to purchase another;

An act for the relief of the sheriff of Halifax and his sureties; and

H. R. No. 62: Resolution of instruction to our Senators and Representatives in Congress concerning the tax levied and collected on spirits turpentine after the war.

And they were ratified by the Speaker of this House, and transmitted to the Senate to be ratified by the President of that body.

### INTRODUCTION OF RESOLUTIONS.

By Mr. Staples: A resolution requesting the Supreme Court to furnish to the General Assembly their opinion on the validity and constitutionality of the recent amendments to the Constitution, ratified by the people at a special election held in August, 1873;

And by Mr. Mendenhall: A resolution in regard to public grounds and buildings, both of which were placed upon the calendar.

## INTRODUCTION OF BILLS.

By Mr. Finger: A bill to amend chapter 12, Battle's Revisal, concerning Building Associations, which was referred to the Committee on Corporations.

By Mr. Stephenson: A bill to repeal chapter 41, laws of 1873-'74, in regard to the inspector of wood and coal in the city of Raleigh, which was referred to the Committee on Cities, Towns and Townships.

By Mr. Patton: A bill to amend the act to prohibit the sale of liquor in certain localities, which was placed upon the calendar.

The Speaker announced the ratification on the part of this House of certain bills and resolutions reported from the Committee on Enrolled Bills.

The calendar was taken up, and S. B. No. 38, H. B. No. 151: A bill concerning the taking of fish from the waters of Goshen swamp, in the county of Duplin, was taken up and put on its several readings, and passed and was ordered to be enrolled.

S. B. No. 47, H. B. No. 162: A bill to incorporate the Monroe High School, in the county of Union, was taken up and put on its several readings, was passed and ordered to be enrolled.

H. B. No. 95: A bill to create a laborers' and mechanics' lien law and for other purposes, was taken up and, on motion of Mr. Dula, was recommitted to the Committee on Judiciary.

H. B. No. 125: A bill to incorporate Ferguson's Camp Ground, in the county of Haywood, was taken up and put on its several readings, was passed, and ordered to be engrossed.

H. B.'s Nos. 148 and 149: Bills for the relief of the sureties of T. F. Lee, late sheriff of Wake county, were taken up, and, on motion of Mr. Whitley, made the special order for Saturday, H. B. No. 148, at 12 o'clock, and H. B. No. 149, at 12:30.

H. B. No. 168: A bill to amend an act passed at the session

of 1873-'74, was put on its several readings, was passed, and ordered to be engrossed.

H. B. No. 178: A bill to reduce the bond of the Superior Court Clerk and Sheriff of the county of Alleghany was taken up; and,

On motion of Mr. Fields, was recommitted to the Committee on Propositions and Grievances.

H. B. No. 179: A bill to provide for the payment of overseers on public roads; was,

On motion of Mr. Richardson, laid on the table.

H. B. No. 184: A bill in relation to the charter of the North Carolina Railroad, was referred to the Committee on Internal Improvements.

H. R. No. 56: Resolution in favor of the depositors in the Freedman's Bank and Trust Company, was, on motion of Mr. Moring, laid on the table.

On motion of Mr. Moring, the vote by which H. B. No. 175, a bill for the relief of the sheriff of the county of Forsythe, passed its third reading, was reconsidered, and a message was sent to the Senate asking a return of the same.

The bill was returned from the Senate and was recommitted to the Committee on the Judiciary.

H. R. No. 69: A resolution of instruction to the Committee on Finance, was, on motion, laid on the table.

Leave of absence was granted to Mr. Moffitt for four days on account of important private business.

On motion of Mr. Patton, the rules were suspended and H. B. 198: A bill to prohibit the sale of liquor in certain localities, introduced this morning, was taken from the calendar, was put on its several readings, passed and was ordered to be engrossed.

On motion of Mr. Moring, H. R. No. 71: A resolution of inquiry into the validity and constitutionality of the amendments to the Constitution, adopted by the people in August,

1873, was taken from the calendar, adopted and ordered to be engrossed and sent to the Senate.

The calendar being exhausted, the House adjourned until to-morrow at 11 o'clock.

## TWENTY-FIRST DAY.

THURSDAY, December 10th, 1874.

The House met at 11 o'clock, Mr. Speaker Robinson in the chair.

Prayer by Rev. Dr. Pritchard, of this city.

The Journal of yesterday was read and approved.

## MEMORIALS, &C.

Mr. Candler presented a petition from citizens of the county of Buncombe to amend the charter of Kimberly College, which was referred to the Committee on Propositions and Grievances.

By Mr. Green, a petition from citizens of the county of Watauga, to lay out a public road from Boone to the Watauga and Caldwell Turnpike, which was referred to the Committee on Railroads, Post Roads and Turnpikes.

## REPORTS OF STANDING COMMITTEES.

Mr. Shackelford, from the Committee on Engrossed Bills, reported the following bills and resolutions as correctly engrossed:

H. B. No. 198: A bill to amend an act to prohibit the sale of spirituous liquors in certain localities;

H. B. No. 168: A bill to amend an act passed at the session of 1873-'74;

H. B. No. 125; A bill to incorporate Ferguson's Camp Ground of the Methodist Church, South, in the county of Haywood; and

H. R. No. 71: Resolution requesting the Supreme Court to furnish this General Assembly with their opinion of the validity and constitutionality of the recent amendments to the Constitution, &c.; and a message was sent to the Senate transmitting the same, and asking the concurrence of that body therein.

Mr. Finger, from the Committee on Enrolled Bills, reported the following bills and resolutions as correctly enrolled:

An lact for the relief of James I. Moore, sheriff of Granville county;

An act concerning the taking of fish in the waters of Goshen swamp;

An act to incorporate Monroe High School, in the county of Union;

An act to allow Luby Harper, sheriff of Greene county, to settle with the Auditor;

A resolution in relation to the Civil Rights bill; and a

Joint resolution in relation to Centennial; and they were ratified by the Speaker of this House and transmitted to the Senate, to be ratified by the President of that body.

Mr. Pinnix, from the Joint Committee on Immigration, to which was referred a message of the Governor and the reports of the President and Secretary of the Bureau of Immigration, reported that the committee had considered the same, and recommended that six hundred copies of the same be printed for the use of the General Assembly.

Mr. Tate, from the Committee on Finance, made the following reports:

H. R. No. 50: Resolution for the relief of the depositors in the Freedman's Bank, with a substitute, and recommend that the resolution, as substituted, do pass;

H. R. No. 30: Resolution concerning the sale of Battle's Revisal, report with a substitute;

H. R. No. 68: Resolution asking our Senators and Representatives in Congress to secure the repeal of the tax clause in the National Bank law, with the recommendation that it do pass;

H. B. No. 195: A bill to repeal sections 5 and 6, chapter 2, Battle's Revisal, with the recommendation that it do pass;

H. B. No. 197: A bill to give compensation to sheriffs for bringing convicts to the State prison, with the recommendation that it do pass; and unfavorably on

H. B. No. 160: A bill giving compensation to sheriffs of the several counties for bringing convicts to the State Prison.

Mr. McIver, from the Committee on Cities, Towns and Townships, reported favorably on H. B. No. 200, a bill in regard to inspection of wood and coal for the city of Raleigh;

And favorably on H. B. No. 9, a bill for the better protection of the bridge across Scuppernong river at Columbia, in Tyrrell county.

Mr. Walker, of Richmond, from the Committee on the Judiciary, reported on S. B. No. 26, H. B. No. 191, a bill to amend section 6, chapter 91, Battle's Revisal, with an amendment, and recommended that with the amendment the bill do pass.

Mr. McRae, from the same committee, on H. B. No. 65, a bill to amend section 1, chapter 90, laws of 1873-'74, reported a substitute for same.

Mr. Mendenhall, from the Committee on Education, reported unfavorably on H. B. No. 158, a bill to provide for the better attendance on the public schools.

Mr. Finger announced that Mr. Reid was detained in his room by sickness.

Indefinite leave of absence was granted to Mr. Jetton on account of sickness.

Leave of absence was granted to Mr. Harrison until Monday next on account of sickness.

To Mr. Scott, until Tuesday for the same reason, and to Mr. Jones until Tuesday next on account of important business.

### REPORTS FROM JOINT COMMITTEES.

Mr. Patton, from the Joint Committee on Printing, reported unfavorably on

H. B. No. 93: A bill to provide for the speedy and economical execution of public printing for the State of North Carolina; on

H. B. No. 129: A bill to economize in the matter of public printing, and to provide for the execution of the same by the State; and

H. B. No. 170: A bill to protect the tax-payers of the State, and to amend chapter 97, Battle's Revisal, entitled "Public Printing."

### INTRODUCTION OF RESOLUTIONS.

By Mr. King: A resolution in favor of W. F. Cooper, sheriff of Graham county, which was placed on the calendar.

### INTRODUCTION OF BILLS.

By Mr. Glenn: A bill to amend section 150, chapter 32, Battle's Revisal.

By Mr. Bizzell: A bill to amend section 1, chapter 48, Battle's Revisal.

By Mr. Mizell: A bill to amend an act passed the 11th day of February, 1874.

By Mr. Fields: A bill to amend sub-section 2 of section 35, chapter 193, laws of 1871-'72, as brought forward in Battle's Revisal, sub-section 2 of section 4, chapter 37.

By Mr. Mizell: A bill to amend an act passed the 16th day of February, 1874.

By Mr. Johnston: A bill in relation to roads, bridges and ferries.

All of which were referred to the Committee on the Judiciary.

By Mr. Green: A bill to lay out and construct a public road from Boone, Watauga county, to the Caldwell and Watauga turnpike. Referred to the Committee on Railroads, Post Roads and Turnpikes.

By Mr. Griffin: A bill to amend chapter 270, section 91, laws of 1868-'69, as brought forward in Battle's Revisal, chapter 78, section 82. Referred to the Committee on Education.

By Mr. Cary: A bill to exempt from taxation all wheat, corn, cotton, bacon and tobacco. Referred to the Committee on Finance.

By Mr. Fields: A bill in relation to costs in civil and criminal actions. Referred to the Committee on Salaries and Fees.

By Mr. Brewington: A bill to amend section 35, chapter 68, Battle's Revisal. Referred to the Committee on Education.

By Mr. Latta: A bill to prohibit the sale of spirituous liquors within two miles of Knap of Reeds Church and Male Academy, in Granville county. Referred to the Committee on Propositions and Grievances.

Mr. McRae, from the Committee on Internal Improvements, by consent, made a report on H. B. No. 161: A bill in relation to the North Carolina and Western North Carolina Rail roads, and submitted a substitute therefor.

Mr. Richardson, by consent, introduced a resolution in favor of K. Haynes, sheriff of Columbus county, which was referred to the Committee on Finance.

A message was received from the Senate informing the House that the Senate had passed the following bills and amendments:

S. B. No. 103: A bill to change the name of Charleston, the seat of justice in Swain county, to that of Coleman;

S. B. No. 22: A bill concerning the Wilmington and Wel-

don Railroad and the Wilmington and Raleigh Railroad Companies;

S. B. No. 51: A bill to amend section 1, chapter 31, laws of 1873-74;

Engrossed Senate amendments, S. B. No. 103, H. B. No. 21: A bill to charter the Watauga and Caldwell Narrow Gauge Railroad;

S. B. No. 70: A bill making valid certain irregular entries of lands;

S. B. No. 33: A bill to amend sections 6 and 7, chapter 37, private laws of 1873-'74;

Engrossed Senate amendment to S. B. No. 184, H. B. No. 102: A bill providing for two additional terms of the Superior Court of the county of Wayne;

Engrossed Senate amendment to S. B. No. 153, H. B. No. 123: A bill to regulate the times of holding the terms of the Superior Court of Cumberland county.

S. B. No. 103 was referred to the Committee on Cities, Towns and Townships.

S. B. No. 22 was referred to the Committee on Internal Improvements.

Senate Bills Nos. 70 and 33 were referred to the Committee on the Judiciary.

The engrossed amendments of the Senate to House Bills Nos. 21 and 123 were concurred in, and they were ordered to be enrolled for ratification.

Mr Dortch moved that the question of concurrence in the engrossed amendments to H. B. No. 102 be postponed until after the recess, and it was so ordered by the House.

S. B. No. 51 was referred to the Committee on the Judiciary.

A message was received from the Senate informing the House that that body had refused to concur in the House amendment to S. B. No. 34, H. B. No. 172.

The question was put on the receding of the House from its amendment, and the House refused to recede, and a message was sent to the Senate informing that body that the House insisted upon its amendment, and asking a committee of conference.

By consent, Mr. Green introduced a bill to exempt ministers of the gospel from service on public roads, which was referred to the Committee on Propositions and Grievances.

By consent, Mr. Dortch introduced a bill providing for an additional term of Wayne Superior Court, which was placed on the calendar.

The rules were suspended and the bill was put on its several readings, passed, and was ordered to be sent to the Senate without engrossment.

A message was received from the Senate requesting the House that it return to the Senate H. B. No. 123, S. B. No. 153: A bill to regulate the times of holding the terms of the Superior Court in the county of Cumberland, for correct engressment.

H. B. No. 104 was ordered to be taken from the special order calendar and recommitted to the Committee on Salaries and Fees.

On motion of Mr. King, the resolution in favor of W. F. Cooper, sheriff of Graham county, was taken up, adopted and ordered to be engrossed and sent to the Senate.

On motion of Mr. McRae, the House reconsidered the vote by which it concurred in the Senate amendment to H. B. No. 123.

A message was received from the Senate informing the House that that body had passed S. B. No. 214: A bill to allow the sheriff of Greene county to settle with the State Auditor, and transmitting an engrossed copy thereof, asking the concurrence of the House therein.

The bill was placed upon the calendar, and the rules being suspended, it was put on its several readings and passed, and was ordered to be enrolled for ratification.

On motion of Mr. Boyd, the rules were suspended to take up H. B. No. 65, reported by the Committee this morning.

The bill was taken up and read, and the substitute recom-

mended by the Committee was adopted, and the bill takes its place on the calendar as H. B. No. 222.

Mr. Green sent forward an amendment, which was accepted, and the bill was put on its second reading and passed, and put on its third reading.

Mr. Norment called for the yeas and nays.

The call was not sustained, and, on motion of Mr. McIver, the bill was recommitted to the Judiciary Committee.

The calendar was resumed

H. B. 180: A bill for the benefit of small farmers was, on motion of Mr. Dula, after discussion, referred to the Committee on Propositions and Grievances.

H. B. No. 117: A bill to amend chapter 38, as brought forward in Battle's Revisal, was taken up, and the amendments of the Committee accepted.

Mr. King moved to postpone and make special order for Tuesday.

Mr. Norment moved to lay the bill on the table, and the motion did not prevail.

By leave, Mr. King withdrew his motion to postpone.

Mr. Dula moved to recommit the bill to the Committee on Propositions and Grievances, and print.

Mr. Hanner called the previous question, and the call was sustained.

The question was put on the motion to print, and it was lost.

The question recurred upon the passage of the bill on its second reading.

Mr. Lloyd demanded the yeas and nays, and the call was not sustained, and the bill passed its second reading.

The bill was then, by a suspension of the rules, put on its third reading.

Mr. Lloyd moved as an amendment to strike out "\$50" and insert "\$10."

Mr. Dula sent forward an amendment to strike out "\$50" and insert "\$200" The amendment was put and lost.

Mr. Young moved to amend by striding out "\$50" and inserting "\$25."

The question was upon the motion to strike out. The House refused to strike out, and the Speaker ruled that amendments to fill blanks were not in order, and the bill was then put on its third reading and passed, and ordered to be engrossed and sent to the Senate for concurrence.

Mr. Tate moved to take up H. B. No. 161, and adopt the substitute for the bill offered by the committee with order to print. The substitute was adopted, and takes its place on the calendar as H. B. No. 221, and the order to print was made by the House.

H. B. No. 200: A bill in relation to the inspection of wood and coal in the city of Raleigh, on motion of Mr. Stephenson, was taken up and placed on calendar, and the rules being further suspended, was put on its several readings, passed, and was ordered to be engrossed and sent to the Senate for concurrence.

Mr. Oaksmith moved to reconsider the vote by which the bill passed its third reading, and to lay that motion on the table. The motion to table prevailed.

The calendar was resumed.

H. B. No. 140: A bill in relation to homestead exemptions, was taken up and the substitute recommended by the committee was adopted, and takes its place on the calendar as H. B. No. 225.

The bill was put on its several readings, passed, and was ordered to be engrossed and sent to the Senate for concurrence.

Mr. Green moved to reconsider the vote by which H. B. No. 222, the substitute bill for H. B. No. 65, was recommitted in order to withdraw his amendment. The rules were suspended, and the reconsideration had.

Mr. Green withdrew his amendment, and the bill was then put on its several readings, passed, and was ordered to be engrossed and sent to the Senate for concurrence.

Leave of absence was granted to Mr. Atwater for three days on account of important business.

On motion of Mr. Boyd, the House adjourned until to-morrow at 11 o'clock.

# TWENTY-SECOND DAY.

FRIDAY, December 11th, 1874.

The House met at 11 o'clock, Mr. Speaker Robinson in the chair.

Prayer by the Rev. Mr. Mangum, of this city.

The Journal of yesterday was read and approved.

Mr. Griffin asked leave to withdraw H. B. No. 210, from the Committee on Education, to which it had been referred, and to place it upon the calendar; and it was so ordered by the House.

Mr. Latta arose to a question of personal privilege, as having been incorrectly reported, by one of the morning papers, as absent from his seat.

## INTRODUCTION OF PETITIONS AND MEMORIALS.

By Mr. Mock: A memorial from citizens of Davidson, in regard to the destruction of birds;

By Mr. Shackelford: A petition from citizens of Swansboro' township, in the county of Onslow, praying for the repeal of certain prohibitory laws;

By Mr. Gash: Petition from citizens of Transylvania county, praying the passage of an act prohibiting the sale of liquors within three miles of the corporate limits of the town of Brevard; and

By Mr. Carson: A petition from citizens of Alexander

county, praying for the passage of an act prohibiting the sale of liquors in the town of Taylorsville; all of which were referred to the Committee on Propositions and Grievances.

By Mr. Barnhardt, of Caldwell: A petition from the Commissioners of Catawba county, in relation to Salaries and Fees, which was referred to the Committee on Salaries and Fees.

The Speaker of the House referred to a petition in his hands, purporting to be from citizens of Palmyra, in the county of Halifax, but without signature, and therefore could not lay it before the House; and it was ordered to be placed on the calendar.

### REPORTS OF STANDING COMMITTEES.

Mr. Moring, from the Committee on Privileges and Elections, made a report in the investigation into the right of Appleton Oaksmith, member elect from the county of Carteret, and asked to be discharged from the further consideration of the same.

Mr. Woodhouse, from the Committee on Railroads, Post Roads and Turnpikes, reported favorably on

H. B. No. 208: A bill to lay out and construct a public road from Boone, Watauga county, to the Caldwell and Watauga turnpike, and unfavorably on

H. B. No. 194: A bill to amend section 17, chapter 112, Battle's Revisal.

Mr. McRae, from the Committee on the Judiciary, reported tavorably on

H. B. No. 101; A bill giving the right of redemption to debtors whose real estate has been sold under execution, mortgage and deeds of trust, and unfavorably on

S. R. No. 126, H. R. No. 60: Resolution concerning Battle's Revisal; and

H. B. No. 157: A bill to amend section 3, chapter 106, of public laws of 1873-'74, entitled an act to repeal section 19, chapter 112, Battle's Revisal, and to amend said chapter.

- Mr. Gudger, from the Committee on Propositions and Grievances, reported favorably on
- H. B. No. 196: A bill to amend section 5, chapter 138, laws of 1873-'74;
- H. B. No. 58: A bill to repeal a resolution in relation to the North Carolina Manual;
- H. B. No. 147: A bill to amend chapter 137, acts of the General Assembly of 1873-'74;
- H. B. No. 188: A bill in favor of the contractors of the Marion and Asheville Turnpike;
- S. B. No. 121, H. B. No. 193: A bill to amend chapter 27, laws of 1873-'74; and unfavorably on
- H. B. No. 178: A bill to reduce the bond of the Superior Court clerk and sheriff of Alleghany county.
- Mr. Shackelford, from the Committee on Engrossed Bills, reported as correctly engrossed the following bills and resolutions:
- H. B. No. 200: A bill to repeal chapter 41, laws of 1873-74, in regard to inspector of wood and coal for the city of Raleigh;
- H. B. No. 122: A bill to be entitled an act to provide for the release of insolvent defendants in criminal actions;
- H. B. No. 223: A bill to amend chapter 105, laws of 1872-'73, as brought forward in Battle's Revisal, chapter 55, section 24, in regard to the allotment of "Homestead" exemptions;
- H. B. No. 117: A bill to amend chapter 38, as brought forward in Battle's Revisal;
- H. R. No. 73: Resolution in favor of W. F. Cooper, sheriff of Graham county.

And a message was sent to the Senate transmitting the same, and asking the concurrence of that body therein.

### INTRODUCTION OF RESOLUTIONS.

By Mr. King: A resolution concerning the educational in-

terest of Cherokee, which was referred to the Committee on Education.

By Mr. Bryan: A resolution in favor of the salary of Judge McKay, of the 3rd Judicial District, which was referred to the Committee on Claims.

By Mr. Munden: A resolution asking Congressmen to use their influence to have the tax taken off of brandy made with fruit, which was referred to the Committee on Propositions and Grievances.

### INTRODUCTION OF BILLS.

By Mr. Mock: A bill for the protection of birds.

By Mr. Hicks: A bill to amend section 41, chapter 104, Battle's Revisal.

By Mr. Carson: A bill to prevent the sale of spirituous liquors within one and a half miles of the court house in Taylorsville, in the county of Alexander.

By Mr. Shackelford: A bill to repeal chapter 166, laws of 1871-72.

By Mr. King: A bill to amend section 4, chapter 5, Battle's Revisal. All of which were referred to the Committee on Propositions and Grievances:

By Mr. Gash: A bill to amend chapter 7, section 1, Battle's Revisal, which was referred to the Committee on the Judiciary.

By Mr. Finger: A bill to compensate Dr. G. W. Graham for services at the Institution for the Deaf, Dumb and Blind, which was referred to the Committee on the Institution for the Deaf and Dumb and the Blind.

By Mr. Blythe: A bill in regard to Insurance Companies, which was referred to the Committee on Corporations.

By Mr. Barnhardt, of Caldwell: A bill to amend section 39, chapter 105, Battle's Revisal, entitled "Salaries and Fees."

By Mr. Thompson, of Beaufort: A bill in regard to members of the General Assembly.

Both of which were referred to the Committee on Salaries and Fees.

A message was received from the Senate, transmitting the following bills and amendments:

- S. B. No. 204: A bill for the benefit of W. H. Sykes, sheriff of Bladen county;
- S. B. No. 109: A bill the better to protect the reputation of innocent women;
- S. B. 102: A bill to prevent the misapplication of the bonds, securities and other the property of the State;
- S. B. No. 96: A bill to amend section 2, chap. 23, of Battle's Revisal;
- S. R. No. 203: A resolution concerning the memorial of the Chamber of Commerce of the city of Wilmington;

Engrossed Senate amendments to H. B. No. 17, S. B. No. 82: A bill to amend chapter 106, section 15, Battle's Revisal, and chapter 106, section 17 of the Revised Code;

And they were appropriately referred or disposed of, as follows:

- S. B. No. 204 was placed on the calender.
- S. Bills Nos. 96, 102 and 109 were referred to the Judiciary Committee, and
  - S. R. No. 203 to the Committee on Finance, and the

Senate amendments to H. B. No. 17 were concurred in, and the bill was ordered to be enrolled for ratification.

#### THE CALENDAR WAS TAKEN UP.

Mr. Norment moved to suspend the rules and take up S. B. 202: A bill for the relief of W. H. Sykes, sheriff of Bladen. The motion prevailed.

Mr. Tate moved to refer the bill to the Committee on Finance, and it was so ordered.

Mr. Erwin moved to suspend the rules to take up the resolution and report of the committee charged with the investi-

gation of the right of the member of Carteret to a seat in this body.

Pending the consideration of the motion, the Speaker announced the hour for the first

# SPECIAL ORDER,

being a bill to amend the charter of the Carolina Central Railway Company.

On motion of Mr. Moring, the special order was postponed, and the consideration of the report of the Committee on Privileges and Elections was resumed.

The report and the evidence was submitted to the House.

On motion of Mr. Erwin, the report of the Committee was adopted unanimously.

The special order was resumed.

Mr. Tate moved to postpone the further consideration of the bill until Wednesday, the 20th day of January next.

Mr. Oaksmith moved to amend by substituting the first Tuesday in November, and Mr. Tate accepted the amendment.

Mr. Oaksmith arose to a point of order on a discussion with reference to a postponement to a day certain.

Mr. Speaker ruled that it was in order.

The motion to postpone was withdrawn.

Mr. Tate renewed the motion to postpone, and the question was put on the motion to postpone until the first Tuesday in February, and it was carried in the affirmative.

### SECOND SPECIAL ORDER,

being resolutions of respect to the memory of Tod R. Caldwell, late Governor of North Carolina, was taken up.

Mr. Walker, of Richmond, submitted a substitute.

The question was upon the adoption of the substitute, and it was adopted; and the resolutions were then adopted.

A message was received from the Senate, transmitting en-

grossed amendments to H. B. No. 123, S. B. No. 153, a bill to regulate the times of holding the terms of the Superior Court of Cumberland county, and asking the concurrence of the House therein.

On motion of Mr. Moring, the rules were suspended, and the question on concurrence was put, and the amendments were concurred in, and ordered to be enrolled for ratification.

A message from the Senate was received, transmitting S. B. 231, a bill authorizing and requiring the Treasurer to settle with William J. Hardison, sheriff of Martin county.

The bill was read the first time, and referred to the Committee on Finance.

By consent, Mr. Walker, of Richmond, introduced a bill to amend chapter 137, section 1, laws of 1873-'74, concerning the sale of liquors. Referred to the Committee on Propositions and Grievances.

Leave of absence was granted to Mr. Richardson until Monday, on account of important private business, and to Mr. Walden until Wednesday next for the same reason.

On motion of Mr. Spears, the House adjourned until tomorrow at 11 o'clock.

# TWENTY-THIRD DAY.

SATURDAY, December 12, 1874.

At 11 A. M., Mr. Speaker Robinson called the House to order.

Prayer by Rev. Mr. Rich, of the city.

The Journal of yesterday was read and approved.

#### INTRODUCTION OF MEMORIALS.

Mr. Hanner presented a petition from certain citizens of Chatham county, praying that no change be made in the existing law in regard to the sale of liquor in certain localities in that county.

Mr. Freeman presented a petition from certain citizens of Stanly county, asking the passage of a law to prohibit the felling of trees in Big Bear creek; also one from the Evangelical Lutheran Congregation worshiping at Big Bethel Church, in Stanly county.

All of the above petitions were referred to the Committee on Propositions and Grievances.

### REPORTS OF STANDING COMMITTEES.

Mr. McRae, from the Judiciary Committee, reported favorably on the following bills:

- H. B. No. 201: A bill to amend section 150, chapter 32, Battle's Revisal;
- S. B. No. 14, H. B. No. 190: A bill to give justices of the peace jurisdiction in proceedings in the nature of forcible entry and detainer; and
- H. B. No. 185: A bill to authorize notaries public to take the privy examination of married women in certain cases, with amendment.
- Mr. Moring, from the same committee, reported unfavorably on H. B. No. 95: A bill to create a laborer's and mechanic's lien law.
- Mr. Boyd, from the same committee, reported on H. B. No. 204: A bill to amend an act passed the 11th day of February, 1874, recommending the adoption of an accompanying substitute therefor; and on
- H. B. No. 206: A bill to amend an act passed the 16th day of February, 1874, recommending the adoption of a substitute.
- Mr. Tate, from the Committee on Finance, reported favorably upon S. B. No. 231, H. B. No. 238: A bill authorizing the Treasurer to settle with W. J. Hardison, sheriff of Martin county; also

H. R. No. 72: Resolution in favor of K. Haynes, sheriff of Columbus county.

Mr. Johnston, from the Committee on Salaries and Fees, reported favorably on H. B. No. 104: A bill to provide for clerical aid and travelling expenses for the Superintendent of Public Instruction.

Mr. Shackelford, from the Committee on Engrossed Bills, reported H. R. No. 78: Resolution of respect to the memory of the late Governor Tod R. Caldwell, as correctly engrossed, and a message was sent to the Senate transmitting the same, and asking the concurrence of that body therein.

# INTRODUCTION OF RESOLUTIONS.

By Mr. Oaksmith: A resolution urging Congress to repeal the tax on State Bank issues. The resolution was placed on the calendar.

#### INTRODUCTION OF BILLS.

By Mr. Freeman: A bill to prevent the felling of trees in Big Bear creek, Stanly county. Referred to the Committee on Propositions and Grievances.

By Mr. Pinnix: A bill to amend sections 21, 22 and 23, chapter 117, Battle's Revisal. Referred to the Committee on Judiciary.

By Mr. Gash: A bill to amend chapter 137, section 1, laws of 1873-'74. Referred to the Committee on Propositions and Grievances.

By Mr. Staples: A bill to amend the charter of the city of Greensboro'. Referred to the Committee on Corporations.

The Speaker announced the name of Mr. Bennett as added to the Committee on Education.

### THE CALENDAR WAS TAKEN UP.

S. B. No. 26, H. B. No. 191: A bill to amend section 6, chap. 91, Battle's Revisal. Question was on the amendments of the

Committee, and they were adopted, and the bill was put on its several readings and passed, and the bill was ordered to be returned to the Senate for concurrence in the engrossed amendments.

S. B. No. 121, H. B. No. 93: A bill to amend chapter 27, laws of 1873-'74, was put on its several readings without objection and passed, and was ordered to be enrolled.

S. R. No. 126, H. R. No. 60: A resolution concerning Battle's Revisal was, on motion of Mr. McRae, laid on the table.

H. B. No. 108: A bill to reduce the bond of the Superior Court Clerk and sheriff of the county of Alleghany was taken up.

Mr. Fields moved that the bill be recommitted, and referred to the Committee on the Judiciary, and it was so ordered by the House.

H. B. No. 188: A bill in favor of contractors and employees of the Marion and Asheville Turnpike, was taken up.

The bill was put on its second reading and failed to pass.

Mr. Gudger moved to reconsider the vote by which the bill failed to pass, and the motion prevailed, and Mr. Gudger then moved to make the bill the special order for 12 o'clock on Tuesday next, and to print, and it was so ordered by the House.

A message was received and read from the Governor in relation to the Penitentiary, and, on motion of Mr. McRae, was ordered to be transmitted to the Senate, with motion to print; and a message was sent to the Senate in compliance with such order.

Leave of absence was granted to Mr. Crews until Tuesday on account of sickness in his family; and to Mr. Walker, of Tyrrell, until the 21st, on account of important business.

A message was received from the Senate, transmitting the following bills and amendments:

S. B. No. 45: A bill to amend an act to prohibit the sale of cotton within certain hours, section 1, chapter 62, laws of 1873-74;

S. B. No. 49: A bill to require justices of the peace to give bond;

H. B. No. 164, S. B. No. 225: Engrossed Senate amendments to a resolution of instruction to State Geologist, with engrossed copies; and they were disposed of, as follows:

S. Bills Nos. 45 and 49 were referred to the Committee on Judiciary, and the engrossed amendments to H. B. No. 64, S. B. No. 225, were concurred in, and the bill was ordered to be enrolled for ratification.

The hour for the special order having arrived, H. B. No. 148: A bill for the relief of the sureties of T. F. Lee, late sheriff of Wake, was taken up, and the amendments proposed by the committee accepted.

Mr. Whitley moved to amend proviso at the end of section 3, by adding the following: "Provided, no credit for insolvency be allowed except for the year 1873;" and the amendment was accepted.

Mr. Tate offered the following proviso:

"Provided, That nothing herein contained shall be construed to relieve said sheriff or his securities from any liability upon official bonds, as now provided by law."

The question was upon the amendment, and it was put and lost, and the bill was then placed on its several readings, and was passed, and ordered to be engrossed and sent to the Senate for concurrence.

Mr. Mullen was announced as being confined to his room by sickness.

Mr. Stephenson moved to reconsider the vote by which H. B. No. 148, had passed, and to lay that motion on the table; and the motion to table prevailed.

# SECOND SPECIAL ORDER,

Being H. B. No. 147, a bill for the relief of the sureties of

T. F. Lee, was taken up, and Mr. Whitley offered a substitute which was accepted.

Mr. Pinnix moved to amend by inserting between the word "State" and the word "and" the word "school," which was accepted; and the bill, as substituted, was put on its several readings, and passed, and was ordered to be engrossed and sent to the Senate for concurrence.

Mr. Stephenson moved to reconsider the vote by which the bill passed, and to lay that motion on the table; and the motion to table prevailed.

Mr. Oaksmith moved to suspend the rules, and take up H. R. No. 79, a resolution urging the repeal by Congress of the tax on issues of State banks.

Mr. Pinnix offered the following amendment, which was accepted:

"Amend by striking out all between the words 'legal tender in payment of debts' in line five from top of second page, and the words 'be it resolved' in line eighteen, and insert: 'And whereas, The Congress of the United States has heretofore, by laws which we believe and respectfully submit are not warranted by the Constitution of the United States, provided for and put in circulation large amounts of irredeemable currency, to the support of which an unjust and burdensome tax was laid upon the issues of the specie-paying State banks, resulting in the utter ruin and destruction of all the State bank system of the country; and whereas, The necessity for the longer continuance of such discriminating laws imposing such tax upon State banks no longer exist, therefore.'"

# Mr. Boyd offered the following substitute:

"Resolved, That we request Congress to repeal all laws under which taxes are now levied from the people, and that Congress pass such law or laws as may be necessary whereby

the circulation of money may be increased to such an extent that no citizen will hereafter stand in want."

The substitute was adopted.

Mr. Pinnix moved to reconsider the vote by which Mr. Boyd's substitute was adopted.

Mr. Tate moved to postpone indefinitely, and the motion was lost; and the question was on the reconsideration of the vote on Mr. Boyd's amendment, and it was reconsidered.

The question then recurred on the passage of Mr. Boyd's substitute, and it was put and lost.

On the passage of the resolution, as amended by the amendments of Mr. Pinnix,

Mr. Candler moved to refer to the Committee on Finance, which was lost.

The question was then put on the resolutions as amended, and they were adopted, and ordered to be engrossed and sent to the Senate for concurrence.

On motion of Mr. Mizell, the rules were suspended, and S. B. No. 236, a bill for the relief of W. J. Hardison, sheriff of Martin county, was taken up, and passed its several readings, and was ordered to be enrolled for ratification.

Mr. Finger, from the Committee on Enrolled Bills, reported the following bills and resolutions as correctly enrolled:

An act to amend chapter 106, section 15 of Battle's Revisal; An act to regulate the times of holding the terms of the Superior Court of Cumberland county;

An act to charter the Watauga and Caldwell Narrow Gauge Railroad Company;

An act providing for an additional term of Wayne Superior Court;

And they were ratified by the Speaker of the House, and ordered to be transmitted to the Senate for the ratification of the President of that body.

On motion of Mr. McIver, the rules were suspended, and H.

R. No. 50: A resolution for the relief of depositors in the Freedman's Saving Bank, was taken up.

The substitute recommended by the committee was presented and adopted, and the question was on the resolution, being the substitute therefor, and it was adopted.

Mr. Walker, of Richmond, by consent, introduced a bill to amend chapter 111, section 32, Battle's Revisal, which was referred to the Committee on Judiciary.

By consent, Mr. Gudger, from the Committee on Propositions and Grievances, made a report on H. B. No. 213: A bill to exempt ministers of the Gospel from service on public roads, with a recommendation that it do pass, and unfavorably on H. B. No. 227: A bill to amend section 41, of chapter 104, Battle's Revisal.

Mr. Thompson, of Beaufort, by consent, introduced a bill to prevent the felling of timber in the channel of South creek, Beaufort county, and

Mr. Proffitt, a bill to adjust the debt of Yancey county, both of which were referred to the Committee on Propositions and Grievances.

Mr. Green called up H. B. No. 208: A bill to lay out and construct a public road from Boone, in the county of Watauga, to the Watauga and Caldwell Turnpike, and the bill passed its several readings, and was ordered to be engrossed and sent to the Senate for concurrence.

On motion of Mr. Presson, the House adjourned until Monday, at 11 o'clock.

# TWENTY-FOURTH DAY.

Monday, December 14th, 1874.

The House was called to order at 11 o'clock, A. M., Mr. Speaker Robinson in the chair.

Prayer by Rev. Mr. Atkinson, of the city.

The Journal of Saturday was read and approved.

### PETITIONS AND MEMORIALS.

Mr. Patton presented a petition from certain citizens of Buncombe county, praying that the law prohibiting the sale of liquor within two miles of the Episcopal Church on Beaver Dam creek, Buncombe county, be not repealed.

The petition was referred to the Committee on Propositions and Grievances.

### REPORTS OF STANDING COMMITTEES.

Mr. Pinnix, from the Judiciary Committee, reported favorably on

S. B. No. 33, H. B. No. 217: A bill to amend sections 6 and 9, chapter 37, private laws of 1873-74;

H. B. No. 207: A bill to amend sub-section 2 of section 35, chapter 193, laws of 1871-'72, as brought forward in Battle's Revisal, sub-section 2 of section 4, chapter 37;

S. B. No. 70, H. B. No. 219: A bill for making certain irregular entries of land valid; and unfavorably on

H. B. No. 141: A bill to settle the rights of counsel in certain cases; and on

H. B. No. 57: A bill for the better protection of orchards and gardens.

Mr. Means, from the same committee, reported favorably on H. B. No. 176: A bill to amend chapter 14, private laws of 1869-'70, and to punish gambling;

S. B. No. 51, H. B. No. 218: A bill to amend section 1, chapter 31, laws of 1873-74; and unfavorably on

H. B. No. 203: A bill to amend section 1, chapter 48, Battle's Revisal.

Mr. Gudger, from the Committee on Propositions and Grievances, reported favorably on H. B. No. 240: A bill to prevent the felling of trees, &c., in Big Bear creek, Stanly county;

H. B. No. 244: A bill to prevent the felling of timber in the channel of South creek, Beaufort county;

H. B. No. 226: A bill to repeal chapter 166, laws of 1871-'72;

H. B. No. 48: A bill to construe an act ratified the 3d day of March, 1873, concerning the sale of spirituous liquors within two miles of the flouring mills at Lockville, Chatham county; and unfavorably on

H. R. No. 75: Resolution asking our Congressmen to use their influence to have the tax taken off of brandy made of fruit.

Mr. Gudger also reported a substitute for House Bills Nos. 239, 111, 224, 212, 109 and 83, bills in reference to the sale of liquor in certain localities, and recommended its adoption.

Mr. Shackelford, from the Committee on Engrossed Bills, reported the following bills, &c., as correctly engrossed:

H. B. No. 247: A bill for the relief of the sureties of T. F. Lee, late sheriff of Wake county;

H. B. No. 148: A bill for the relief of the sureties of T. F. Lee, late sheriff of Wake county;

H. B. No. 9: A bill for the better protection of the county bridge across Scuppernoug river at Columbia, in Tyrrell county;

H. B. No. 208: A bill to lay out and construct a public road from Boone, Watauga county, to the Caldwell and Watauga turnpike;

Engrossed amendments to S. B. No. 26, H. B. No. 191: A bill to amend section 6, chapter 91, of Battle's Revisal;

H. R. No. 80: Resolution of instruction to our Senators and Representatives in Congress concerning the Freedman's Savings and Trust Company; and

H. R. No. 79: Resolution urging the repeal by Congress of the tax on issues of State Banks, and a message was sent to the Senate transmitting the same, and asking the concurrence of that body therein.

Mr. Tate rose to a question of personal privilege in regard to a publication in the *Daily Sentinel*.

#### INTRODUCTION OF RESOLUTIONS.

By Mr. Moore: A resolution in regard to the death of William H. Williams, of Warren county. The resolution was placed on the calendar.

#### INTRODUCTION OF BILLS.

By Mr. McRae: A bill to amend an act to incorporate the Fayetteville Building and Loan Association, ratified January 5th, 1872. Referred to the Committee on Corporations.

By Mr. McCubbins: A bill to authorize the Commissioners of Rowan county to subscribe to the capital stock of the Yadkin Railroad Company. Referred to the Committee on Propositions and Grievances.

By Mr. Moore: A bill to establish the county line between the counties of New Hanover and Brunswick. Referred to the Committee on Counties, Cities, Towns and Townships.

By Mr. Green: A bill to amend the act to charter the Watauga and Caldwell Narrow Gauge Railroad. Referred to the Committee on Railroads, Post Roads and Turnpikes.

By Mr. Oaksmith: A bill to protect the State's interest in Railroads. Placed on calendar.

Mr. Finger, from the Committee on Enrolled Bills, reported the following bills and resolutions as correctly enrolled:

A bill to amend chapter 37, section 2, laws of 1873-'74;

A bill amendatory of an act to lay out and construct a road through the counties of Alleghany and Ashe, ratified March 1st, 1870;

A bill authorizing and requiring the Treasurer to settle with Wm. J. Hardison, sheriff of Martin county;

A bill to amend chapter 27, laws of 1873-'74;

A resolution of instruction to the State Geologist; and they

were ratified by the Speaker of this House, and sent to the Senate to be ratified by the President of that body.

By consent, Mr. Finger laid before the House a protest against the bill relieving T. F. Lee and his sureties from fines and forfeitures, and it was ordered to be spread upon the Journal of the House.

# PROTEST.

Whereas, This House did, on the 12th instant, pass a bill relieving T. F. Lee, late sheriff of Wake county, of all fines and forfeitures on account of his failure to settle the public taxes; and whereas, I did, during the discussion, declare my opposition to the bill on the ground that I failed to see any reason for such action—none at all satisfactory to my mind having been given; therefore I beg leave to enter this, my solemn protest, and ask that it may be spread upon the Journal.

(Signed)

S. M. FINGER.

We concur with Mr. Finger in this protest.

(Signed)

SAM'L McD. TATE, W. A. STOWE, E. J. HOLT.

Leave of absence was granted to Mr. Parker from Thursday next until the 21st instant, on account of important private business.

A message was received from the Senate transmitting S. B. No. 144: A bill to prevent obstructions to the navigation of Newport river, and it was read the first time and referred to the Committee on Propositions and Grievances.

Leave of absence was asked for and granted to Mr. King from and after Wednesday until the 21st; to Mr. Young from and after Saturday till the 21st; to Mr. Trivett from Friday to the 21st; to Mr. Bunn from and after Thursday to the 21st; to Mr. Gudger from and after Saturday to the 21st; Mr. Barrett from and after Thursday to the 21st; to Mr. Munden from Friday to the 21st; to Mr. McCubbins from Saturday till the 21st; to Mr. Shackelford from Thursday until the 21st; to Mr. Staton from Saturday until the 21st; to Mr. Thompson, of Beaufort, from Saturday to the 21st; to Mr. White from Thursday until the 21st; to Mr. Wood from Saturday until the 21st; to Mr. Smith, of Hyde, from Saturday until the 21st; to Mr. Proffitt from and after Friday to the 21st.

Leave for three days was granted to Mr. Whitley, but withdrawn at his request.

On motion of Mr. Finger, the rules were suspended, and H. B. No. 185: A bill to take the privy examination of married women in certain cases, was taken up.

The question was put on the amendments proposed by the committee, and they were accepted, and the bill was put on its several readings, passed, and was ordered to be engrossed and sent to the Senate for concurrence.

By consent, Mr. McRae introduced a bill to amend an act to incorporate the Fayetteville Building and Loan Association, ratified January 5th, 1872, which was referred to the Committee on Corporations.

### THE CALENDAR WAS TAKEN UP.

S. B. No. 58: A bill in relation to the repeal of a resolution in relation to the North Carolina Manual, was taken up.

Mr. Mebane moved to postpone the further consideration until Wednesday, and make it special order for 12 o'clock.

The motion was lost, and the bill was put on its several readings, passed, and was ordered to be engrossed and sent to the Senate for concurrence.

Mr. Gudger moved to reconsider the vote by which the bill passed its third reading, and to lay that motion on the table, and the motion to table prevailed.

By consent, Mr. Moore introduced resolutions of respect to

the memory of William H. Williams, deceased, late a member of this House from the county of Warren, and they were placed upon the calendar.

Mr. Shackelford, from the Committee on Engrossed Bills, by leave, reported that H. B. No. 58, had been correctly engrossed, and a message was sent to the Senate transmitting the same, and asking the concurrence of that body therein.

### SPECIAL ORDER.

The special order being H. B. No. 104: A bill to provide clerical assistance and travelling expenses for the Superintendent of Public Instruction, was taken up. The question was on the amendment proposed by the committee.

Mr. Boyd sent forward an amendment, but by consent of the House, withdrew it.

Mr. Mendenhall moved to recommit the bill to the Judiciary Committee, and called the previous question on his motion.

The call was sustained, and the motion to recommit was put to a vote and prevailed.

Mr. Oaksmith moved to take up the bill introduced by himself this morning, a bill to protect the State's interest in railroads.

The motion prevailed, and the bill was taken up.

Mr. Barnett moved that the bill be printed and referred to the Committee on Internal Improvements, but withdrew the motion, which was renewed by Mr. Patton.

Mr. Staples sent forward the following amendment:

"Strike out in section 2, after 'conviction,' and insert 'shall be fined one thousand dollars and imprisoned in the State prison for two years."

The amendment was accepted by Mr. Oaksmith.

Mr. Mebane moved to insert "with leave to report tomorrow."

Mr. Oaksmith moved to refer to the Judiciary Committee.

Mr. Patton called the previous question on his motion to refer, and the call prevailed.

The question was put on the reference to the Judiciary Committee, and it was lost.

It then recurred on the motion to refer to the Committee on Internal Improvements, and it prevailed; and the bill was so referred.

Mr. Tate asked the use of the Hall to-morrow night for Professor Kerr for the purpose of a lecture on Geology, and it was given.

Mr. Moore moved to suspend the rules, and put on their adoption the resolutions of respect to the memory of W. H. Williams, deceased.

The motion was adopted.

Mr. Lloyd offered the following amendment: "That when this House adjourn it do adjourn in honor to the said W. H. Williams, the deceased," which was adopted.

RESOLUTIONS OF RESPECT RELATIVE TO THE DEATH OF WILLIAM

H. WILLIAMS, LATE REPRESENTATIVE IN THE LOWER HOUSE OF
THE GENERAL ASSEMBLY FROM WARREN COUNTY.

WHEREAS, It has pleased Almighty God to remove from our midst by death our fellow-member of this House, William H. Williams, the Representative from Warren county, while in the midst of his usefulness; therefore,

Resolved, That while we bow to the behest of the Supreme Ruler of the Universe, who doeth all things well, we would record our expressions of condolence and sympathy for the family and friends of the deceased.

Resolved, That while our departed fellow-member occupied his seat in this honorable body, his conduct, as a member, was commendable and praiseworthy.

Resolved, That this preamble and resolutions be spread upon our Journal, and a copy of the same be furnished the family of the deceased.

Resolved, That when this House adjourn it do adjourn in honor to the said William H. Williams, the deceased.

The House adjourned until to-morrow at 11 A. M.

# TWENTY-FIFTH DAY.

Tuesday, December 15th, 1874.

Mr. Speaker Robinson called the House to order at 11 o'clock.

Prayer by the Rev. Mr. Marshall, of the city.

The Journal of yesterday was read and approved.

#### MEMORIALS AND PETITIONS.

Mr. Kendall presented a petition from citizens of Randolph county, praying a repeal of the prohibition liquor laws; also, one from citizens of Ashboro', Randolph county, praying that the prohibition liquor law in that town and vicinity be not repealed.

Mr. Erwin presented a petition from citizens of Mitchell county, asking for a repeal of section 3, chapter 137, laws of 1873-74.

All of the above petitions were referred to the Committee on Propositions and Grievances.

#### REPORTS OF STANDING COMMITTEES.

Mr. McRae, from the Committee on the Judiciary, reported favorably on

S. B. No. 96, H. B. No. 234: A bill to amend section 2, chapter 23, Battle's Revisal, entitled "Constables;" and

S. B. No. 45, H. B. No. 248: A bill to amend section 1, chapter 62, laws of 1873-'74, and unfavorably on

S. B. No. 109, H. B. No. 236: A bill to better protect the reputation of innocent women.

Mr. Walker, of Richmond, from the same committee, reported on S. B. No. 49, H. B. No. 249: A bill to require justices of the peace to give bond, recommending its passage, with amendments.

Mr. Carson, from the Committee on Corporations, reported on H. B. No. 199: A bill to amend chapter 12, Battle's Revisal, concerning Building Associations, recommending its passage, with amendments; also on

H. B. No. 243: A bill to amend the charter of the city of Greensboro', with a like recommendation.

Mr. McRae, from the Committee on Internal Improvements, reported on H. B. 254, a bill to protect the State's interest in railroads, asking to be discharged from its further consideration.

Mr. Tate, from the Committee on Finance, reported favorably on S. R. No. 203, H. R. No. 74: A resolution concerning the memorial of the Chamber of Commerce, of the city of Wilmington.

Mr. Walker, of Richmond, from the Committee on Salaries and Fees, reported favorably on H. B. No. 209: A bill in relation to costs in civil and criminal actions; on

H. B. No. 230: A bill to amend section 39, chapter 105, Battle's Revisal; and on the petition of sheriffs concerning fees.

Mr. Hicks, from the Joint Committee on the Library, reported favorably on S. R. No. 88, H. R. No. 44: A joint resolution in regard to furnishing the libraries of the two Houses of the General Assembly with Battle's Revisal; and on

S. B. No. 77, H. B. No. 121: A bill in relation to the North Carolina Manual, with the addition of a ratifying clause.

Mr. Shackelford, from the Committee on Engrossed Bills,

reported H. B. No. 185: A bill to authorize Notaries Public to take the privy examination of married women in certain cases, as being correctly engrossed, and a message was sent to the Senate transmitting the same, and asking the concurrence of that body therein.

### REPORTS OF SELECT COMMITTEES.

Mr. Walker, of Richmond, from the select committee to investigate the conduct of J. C. L. Harris, Solicitor of the Sixth Judicial District, submitted the evidence taken by the Committee, and reported that a majority thereof did not think the weight of the evidence warranted an impeachment of the said Harris, and asked to be discharged from the further consideration of the matter.

### INTRODUCTION OF RESOLUTIONS.

By Mr. Boyd: A resolution in regard to the anniversary of the Mecklenburg Declaration of Independence. The resolution was placed on the calendar.

By Mr. McIver: A resolution in relation to the daily sessions of the House. Placed on the calendar.

By Mr. Barnett: A resolution of instruction to the Judiciary Committee in regard to the appointment of commissioners to complete the survey of the boundary line between this State and Virginia. Placed on the calendar.

# INTRODUCTION OF BILLS.

By Mr. Gudger: A bill to repeal sections 14, 15, 16 and 17, chapter 2, Battle's Revisal, relative to agricultural and geological surveys. Referred to the Committee on Finance.

By Mr. Means: A bill for the better enforcement of contracts and the enhancement of agriculture. Referred to Judiciary Committee.

By Mr. Boyd: A bill to incorporate the Deep River and Reidsville Railroad Company. Referred to the Committee on Internal Improvements.

By Mr. Means: A bill to repeal chapter 195, laws of 1871-'72, Battle's Revisal, chapter 111, sections 30 and 31, and to give jurisdiction to chief officers of cities, &c. Referred to Judiciary Committee.

By Mr. Barnett: A bill for the relief of the sureties of J. L. Harris, late sheriff of Person county. Placed upon the calendar.

By Mr. Smith, of Anson: A bill to amend section 15, chapter 64, Battle's Revisal, entitled "landlord and tenant." Referred to Committee on Judiciary.

By Mr. Wells: A bill to prevent the felling of timber, &c., in Doctor's creek, Duplin county. Referred to the Committee on Propositions and Grievances.

By Mr. Walker, of Richmond: A bill to amend and reenact chapter 31, section 104, Revised Code, concerning appeals from Justices' Courts. Referred to Judiciary Committee.

By Mr. Davis, of Haywood: A bill to prohibit the sale of liquor within two miles of Richland Institute, Haywood county. Referred to the Committee on Propositions and Grievances.

By Mr. Walker, of Richmond: A bill in relation to writs of certorari, recordari and supersedias. Referred to the Committee on the Judiciary.

By Mr. Crews: A bill for the better protection of hands and farmers. Referred to the Committee on Agriculture, &c.

Mr. Finger, from the Committee on Enrolled Bills, reported the following as correctly enrolled:

Resolution in favor of W. F. Cooper, sheriff of Graham county;

Resolutions of respect to the late Governor, Tod R. Caldwell. And they were ratified by the Speaker of the House, and transmitted to the Senate to be ratified by the President of that body.

Mr. McCubbins asked leave to withdraw H. B. No. 251: A

bill to authorize the Board of Commissioners of the County of Rowan to subscribe to the capital stock of the Yadkin Railroad Company, from the Committee on Propositions and Grievances, to which it had been referred, and refer it to the Committee on Internal Improvements, and it was so ordered by the House.

Leave of absence was granted to Mr Mullen from Friday to the 21st instant;

To Mr. Candler, from Saturday to the 21st;

To Mr. Glenn, from Saturday to the 21st;

To Mr. Norment, from Saturday to the 21st;

To Mr. Good, from Saturday to the 21st;

To Mr. Woodhouse, from Saturday to the 21st;

To Mr. Hooker, from Friday to the 21st;

To Mr. Foote, from Saturday to the 21st;

To Mr. Davis, of Jackson, from Saturday to the 21st;

To Mr. Hill, from Friday to the 21st; and

To Mr. Anderson, from Saturday until the 21st.

By consent, Mr. Tate introduced a bill to prevent the felling of timber in South Fork river and Rock and Laurel creeks, in the county of Burke, which was referred to the Committee on Propositions and Grievances.

By consent, Mr. Spears, introduced a bill to prevent the burning of turpentine fixtures, which was referred to the Committee on Judiciary.

Mr. Finger asked the consent of the House to take up H. B. No. 199: A bill to amend chapter 12, Battle's Revisal, concerning building associations, reported by the Committee this morning.

The bill was taken up and the amendments proposed by the Committee accepted, and the bill was then put on it several readings, was passed, and ordered to be sent to the Senate for concurrence.

# THE CALENDAR WAS TAKEN UP,

H. B. No. 72: A bill to levy a special tax for the county of Jones, was put on its third reading.

Mr. Scott presented a petition from citizens of said county, praying the passage of such bill.

The bill was then passed by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Atwater, Ballard, Barnett, Barnhardt of Caldwell, Bernheardt of Rowan, Bennett, Bettis, Bizzell, Boyd, Brewington, Bryan, Bryson, Bunn, Candler, Carson, Carter, Crews, Davis of Haywood, Davis of Jackson, Dula, Eatman, Erwin, Etheridge, Fields, Foote, Freeman, Gaither, Garrison, Gash, Glenn, Godwin, Good, Green, Griffin, Gudger, Haymore, Hill, Holt, Hooker, Hughes, Hurley, Isler, Jessup, Jones, Kendall, Latta, Lloyd, Martin, McCallop, McCubbins, McIver, McNeill, Means, Mebane, Mendenhall, Mitchell, Mizell, Mock, Moore, Moseley, Munden. Newell, Norment, Oaksmith, Page, Parker, Parrott, Patton, Pinnix, Presson, Proffitt, Reid, Scott, Shackelford, Sharpe, Smith of Anson, Smith of Hyde, Spears, Staples, Staton, Stephenson, Stowe, Tate, Thompson of Beaufort, Thompson of Lincoln, Trivett, Walden, Ward, Wells, Wheeler, Whisnant, White, Whitley, Wiley, Wood, Woodhouse and Young-98.

The following gentlemen voted in the negative:

Messrs. Dortch, Hanner, Moring, Mullen and Walker of Richmond-5.

A message was received from the Senate returning to the House certain bills, and asking for information as to whether proper notice by advertisement had been given of the introduction of said bills.

On motion of Mr. Moring, a message was returned to the Senate, informing that body that no evidence, by certified copy or otherwise, as required by law, had been furnished this House.

A message was received from the Senate, informing the

House that the Senate had concurred in the House amendments to S. B. No. 26, H. B. No. 191, to amend Sec. 6, Chap. 91, Battle's Revisal, and H. R. No. 80, S. R. No. 298, a resolution of instruction to our Senators and Representatives in Congress concerning the Freedman's Savings and Trust Company.

A message was received from the Senate, transmitting S. B. No. 134, a bill to amend Chapters 30 and 105, Battle's Revisal, and Engrossed Senate amendments to H. B. No. 45, S. B. No. 116, a bill to amend Setcion 84, Chapter 32, Battle's Revisal, concerning retailing spirituous liquors.

S. B. No. 134, was referred to the Committee on the Judiciary.

And the Senate amendments to H. B. No. 45 were concerned in, and the bill was ordered to be enrolled for ratification.

A message was received from the Senate informing the House that the Senate had appointed the following gentlemen as the committee of conference on S. B. No. 34, H. B. No. 172: Messrs. Morehead, Peebles and Kerr.

The Speaker announced the following gentlemen as constituting the House branch of the same committee: Messrs. Mebane, Moring, Oaksmith, Barnett and Blythe.

The special order, being H. B. No. 188, a bill in favor of the contractors and employees of the Marion and Asheville Turnpike, was taken up, and, on motion of Mr. Erwin, was postponed and made the special order for 12 o'clock January 21st, 1775.

On motion of Mr. McIver, the rules were suspended and H. R. No. 83, in regard to sessions of the House, was taken up and put on its readings, and failed to pass.

On motion of Mr. Spears, the reports of the Bureau of Immigration were taken up and adopted, and they were transmitted to the Senate for concurrent action.

By consent, Mr. Walker, of Richmond, introduced a bill in regard to the printing of titles of laws and bills undisposed of, which was placed on the calendar.

On motion of Mr. McIver, the rules were suspended and the report of the committee of investigation of J. C. L. Harris, Solicitor of the Sixth Judicial District, was taken up, and the report was unanimously concurred in.

Mr. Oaksmith moved to suspend the rules and take up H. B. No. 254, a bill to protect the State's interest in railroads, and on his motion the bill was referred to the Committee on the Judiciary.

The calendar was resumed.

H. B. No. 48: A bill to construe an act, ratified the 3d day of March, 1873, concerning the sale of spirituous liquors within two miles of the flouring mills near Lockville, in the county of Chatham, was taken up, and, on motion of Mr. Dortch, was laid on the table.

H. B. No. 226: A bill to repeal chapter 166, laws of 1871-72, was put on its several readings and passed, and was ordered to be engrossed and sent to the Senate.

On motion of Mr. Walker, of Richmond, H. R. No. 85: Resolution in relation to printing titles of bills, &c., was taken up, adopted, and ordered to be engrossed.

On motion of Mr. Gudger, S. B. No. 77, H. B. No. 121: A bill in relation to the North Carolina Manual, was taken up, the amendments of the committee were adopted, and the bill, as amended, was passed, and ordered to be engrossed and sent to the Senate for concurrence in the amendments.

By consent, Mr. Mendenhall introduced a bill to authorize the city of Greensboro' to issue bonds, which was referred to the Committee on Judiciary.

By consent, Mr. Strong introduced a resolution providing for the better protection of the battery of artillery belonging to the State, which was referred to the Committee on Military Affairs.

Mr. Tate called up H. R. No. 30: Resolution providing for the sale of Battle's Revisal.

Mr. Dula moved to amend by striking out the words "fifty cents."

The question was on the amendment, and it was adopted, and it then recurred on the passage of the resolution as amended, and it was adopted, and ordered to be engrossed and sent to the Senate for concurrence.

H. B. No. 57: A bill for the protection of gardens and orchards was taken up, and, on motion, was laid on the table.

A motion to adjourn was made and lost.

The substitute for H. B. No. 83, and others, as recommended by the Committee on Propositions and Grievances, was taken up.

The bill provides for the prohibition of the sale of liquors

in or near certain localities.

Mr. Norment moved to postpone the consideration of the bill until the second Monday in February, but withdrew that motion, and moved that the bill and the substitute be recommitted and referred to the Committee on Judiciary; and it was so ordered by the House.

On motion of Mr. Presson, the House adjourned until tomorrow at 11 o'clock.

# TWENTY-SIXTH DAY.

Wednesday, December 16, 1874.

The House met pursuant to adjournment, Mr. Speaker Robinson in the chair.

The Journal of yesterday was read and approved.

### MEMORIALS AND PETITIONS.

Mr. Barrett presented a petition from certain citizens of Pitt county, asking the passage of an act to incorporate the town of Marlboro, Pitt county. Referred to the Committee on Corporations.

#### REPORTS OF STANDING COMMITTEES.

Mr. Gudger, from the Committee on Propositions and Grievances, reported favorably on the following bills:

H. B. No. 180: A bill for the benefit of small farmers;

H. B. No. 240: A bill to prevent the felling of trees in Big Bear Creek, Stanly county;

H. B. No. 242: A bill to amend section 1, chapter 137, laws of 1873-'74;

H. B. No. 267: A bill to prevent the felling of timber in South Fork river and in Rock and Laurel creeks, Burke county, recommending its passage with amendments; and on

H. B. No. 264: A bill in relation to prohibition, recommended to be included among the bills proposed to be included in H. B. No. 83, a general substitute for the whole; and unfavorably on H. B. No. 150, for the relief of John A. Reid, sheriff of Halifax county, and submitted a substitute for H. B. No. 228, for the protection of birds, and recommending the passage of the substitute.

Mr. Means, from the Committee on the Judiciary, reported favorably on H. B. No. 259, to repeal chapter 195, laws of 1871-'72, Battle's Revisal, chapter 111, sections 30 and 31.

Mr. Erwin, from the same Committee, reported unfavorably on H. B. No. 254, to protect the State's interest in railroads.

Mr. Mebane, from the Committee on Military Affairs, reported favorably on H. R. No. 86, providing for the better protection of the battery belonging to the State.

Mr. Staples, from the Committee on Corporations, reported an amendment to H. B. No. 232, in regard to Insurance Companies, recommending its passage as amended.

Mr. Woodhouse, from the Committee on Railroads, Post Roads and Turnpikes, reported favorably on H. B. No. 253, a bill to amend the charter of the Watauga and Caldwell Narrow Gauge Railroad Company.

Mr. Mendenhall, from the Joint Committee on the State Debt, submitted a report, asking to be discharged from the further consideration of House Bills Nos. 24, 25, 46, 128, and House Resolutions Nos. 21, 48, 66 and 67, as the Committee had prepared, by way of a substitute, a bill which they would soon place before the House.

Mr. Shackelford, from the Committee on Engrossed Bills, reported the following bills and resolutions as being correctly engrossed:

H. B. No. 226: A bill to repeal chapter 166, laws of 1871-72;

H. B. No. 199: A bill to amend chapter 12, Battle's Revisal, concerning Building Associations;

H. B. No. 72: A bill to levy a special tax for the county of Jones;

H. R. No. 85: A Resolution to print the titles of all laws of this session, and all bills undisposed of; and

H. R. No. 87: A resolution reducing the price of Battle's Revisal, and they were ordered to be transmitted to the Senate with a message asking the concurrence of that body therein.

Mr. Finger, from the Committee on Enrolled Bills, reported the following bills and resolutions as correctly enrolled:

An act to amend chapter 19 of the laws of 1873-'74, entitled "An act to restore the records of Watauga county;"

An act to amend section 6 of chapter 91 of Battle's Revisal; An act to amend chapter 246 of the laws of 1870-71;

Resolution of instruction to our Senators and Representatives in Congress concerning Freedman's Saving and Trust Company;

Ar. act to amend section 84, chapter 32, of Battle's Revisal, concerning retailing spirituous liquors.

And they were ratified by the Speaker of the House, and ordered to be transmitted to the Senate for ratification by the President of that body.

#### INTRODUCTION OF RESOLUTIONS.

By Mr. Oaksmith: A resolution concerning railroads, which was placed on the calendar.

Mr. Reid, by consent, made a report on the resolution in favor of the salary of Judge McKay, recommending that it do pass.

### INTRODUCTION OF BILLS.

By Mr. Barrett: A bill to incorporate the town of Marlboro', Pitt county. Referred to the Committee on Corporations.

By Mr. Moseley: A bill to prevent the felling of timber in the run of Goshen swamp. Referred to the Committee on Propositions and Grievances.

By Mr. Reid: A bill to provide for two additional terms of the Superior Court of Mecklenburg county. Referred to the Committee on the Judiciary.

A message was received from the Senate, transmitting S. B. No. 159: A bill to extend the time of payment on certain entries of vacant lands.

The bill was read the first time, and referred to the Committee on Propositions and Grievances.

A message from the Senate was received, transmitting S. B. No. 76: A bill to incorporate the Raleigh Savings Bank and Trust Company, and engrossed Senate amendments to H. B. No. 18, S. B. No. 68: A bill to incorporate the Diamond Cotton Chopper and Cultivator Company.

S. B. No. 76: A bill to incorporate the Raleigh Savings and Trust Company, was read the first time, and referred to the Committee on Banks and Currency.

The engrossed Senate amendments to H. B. No. 18, were concurred in, and the bill was ordered to be enrolled for ratification.

Leave of absence was granted to Mr. Mizell, from to-day until the 21st;

To Mr. Garrison, from Saturday until the 21st;

To Mr. Ballard, from to-morrow until the 21st;

To Mr. Mock, from Saturday until the 21st;

To Mr. Carson, from Saturday until the 21st;

To Mr. Davis, of Haywood, from Friday to the 21st; To Mr. Blythe, from Saturday to the 21st.

On motion of Mr. Green, the rules were suspended and H. B. No. 252: A bill to amend the charter of the Watauga and Caldwell Narrow Gauge Railroad Company, was taken up.

Mr. Finger moved to postpone the further consideration of the bill, and to make it the special order for January 20th, 1875, at 12 o'clock, and it was so ordered by the House.

On motion of Mr. Means, H. B. No. 259: A bill in relation to the jurisdiction of chief officers of cities and towns, within their corporate limits, was taken up.

On motion of Mr. Moring, the bill was, after discussion, postponed and made the special order for to-morrow at 12 o'clock.

By consent, Mr. Stephenson introduced a bill to repeal section 17, of chapter 12, of Battle's Revisal, which was referred to the Committee on Judiciary.

By consent, Mr Moore introduced a bill to prevent the punishment of any one more than once for the same offence, which was referred to the Committee on Judiciary.

On motion of Mr. Mizell, the rules were suspended, and H. B. No. 204: A bill to amend an act passed the 11th day of February, 1874, was taken up, the substitute recommended by the Committee was adopted, and the substitute, entitled a bill to amend chapter 98, public laws of 1873, was put on its several readings, was passed and ordered to be engrossed and sent to the Senate for concurrence.

Mr. Walker, of Richmond, by consent, introduced the following bills:

A bill concerning the listing of polls and property, and a bill supplemental to an act to amend an act entitled an act to renew the charter of the Richmond Manufacturing Company, both of which were referred to the Judiciary Committee.

By consent, Mr McRae presented a petition of citizens of Cumberland county, praying the passage of a law prohibiting the sale of liquors within two miles of Rockfish Church, in said county, which was referred to the Committee on Propositions and Grievances.

By consent, H. B. No. 195: A bill to repeal sections 5 and 6, chapter 2, of Battle's Revisal, was taken up.

Mr. Strong moved to postpone further consideration of the bill, and make it the special order for 12 o'clock, January 12th, 1875, and on that motion Mr. McIver called the yeas and nays, and the call was sustained. The House refused to postpone by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Barnett, Barnhardt of Caldwell, Bennett, Bettis, Boyd, Bryan, Bryson, Carson, Carter, Crews, Davis of Jackson, Finger, Freeman, Gash, Gudger, Hughes, King, Lloyd, McCallop, McNeill, Means, Moseley, Mullen, Norment, Oaksmith, Page, Parrott, Shackelford, Smith of Anson, Smith of Hyde, Spears, Staples, Stephenson, Strong, Thompson of Beaufort, Walden, Wheeler, Whisnant and Wood—39.

The following gentlemen voted in the negative:

Messrs. Anderson, Atwater, Bernheardt of Rowan, Barrett, Bizzell, Blythe, Brewington, Bunn, Candler, Davis of Haywood, Dula, Eatman, Erwin, Etheridge, Fields, Foote, Gaither, Garrison, Glenn, Godwin, Good, Green, Griffin, Hanner, Harrison, Haymore, Hicks, Hill, Holt, Hooker, Hurley, Jessup, Kendall, Latta, Martin, McCubbins, McIver, McRae, Mebane, Mendenhall, Mitchell, Mizell, Mock, Moffitt, Moore, Moring, Munden, Newell, Parker, Patton, Pinnix, Presson, Proffitt, Reid, Sharpe, Staton, Stowe, Tate, Thompson of Lincoln, Trivett, Walker of Richmond, White, Whitley, Wiley, Woodhouse and Young—66.

And the bill was put on its second reading and passed. The following is the vote:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Atwater, Barnhardt of Caldwell, Bernheardt of Rowan, Barrett, Bettis, Bizzell, Blythe, Brewington, Bryan, Bryson, Bunn, Candler, Carson, Carter, Davis of Haywood, Davis of Jackson, Dula, Eatman, Erwin, Etheridge,

Fields, Finger, Foote, Freeman, Gaither, Garrison, Gash, Glenn, Godwin, Good, Green, Griffin, Gudger, Hanner, Harrison, Haymore, Hicks, Holt, Hooker, Hughes, Hurley, Jessup, Kendall, King, Latta, Martin, McCallop, McCubbins, McIver, McNeill, McRae, Mebane, Mendenhall, Mitchell, Mizell, Mock, Moffitt, Moring, Moseley, Mullen, Munden, Newell, Parker, Parrott, Patton, Pinnix, Presson, Proffitt, Reid, Scott, Shackelford, Sharpe, Smith of Anson, Staton, Stowe, Tate, Thompson of Lincoln, Thompson of Beaufort, Trivett, Walden, Walker of Richmond, Whisnant, White, Whitley, Wiley, Wood, Woodhouse and Young—89.

Those who voted in the negative were:

Messrs. Barnett, Bennett, Boyd, Lloyd, Means, Norment, Page, Smith of Hyde, Spears, Staples, Stephenson, Strong and Wheeler—13.

Mr. Moring, by consent, introduced a resolution in relation to the flag staff on the Capitol building, which was placed on the calender, but under the suspension of the rules, it was taken up and adopted, and ordered to be engrossed and sent to the Senate for concurrence.

H. B. No. 242: A bill to amend chapter 137, section 1, laws of 1873-'74, reported this morning by the Committee, was taken up by consent and put on its several readings, passed, and was ordered to be engrossed and sent to the Senate for concurrence.

S. R. No. 203, H. R. No. 74: Resolution concerning the memorial of the Chamber of Commerce of Wilmington, was taken up, adopted, and ordered to be enrolled.

Mr. Tate, by consent, introduced a resolution in relation to the Western North Carolina Railroad, which was placed on the calendar.

Mr. Reid, by consent, introduced a bill concerning jurisdiction of justices of the peace, which was referred to the Committee on the Judiciary.

By consent, the resolutions introduced by Mr. Tate, were taken from the calendar and put on their passage.

Mr. Staples moved that they be postponed until after the recess.

Mr. Means offered the following amendment, which was accepted by Mr. Tate:

"Strike out the word 'negotiate' in 5th line and insert instead thereof the word 'consult'; and strike out the word 'to' before the word 'purchase' in 9th line, and insert in lieu thereof the words, 'ascertain upon what terms they can'; and add to the resolution the following: Provided, that nothing done or said by the Speaker of this House or President of the Senate shall in anywise bind the State or any of its agents, or in the least acknowledge the validity of any of said claims."

Mr. Tate moved to postpone further consideration.

A message was received from the Senate announcing the following gentlemen as composing the Senate Branch of the Joint Committee on the Centennial: Messrs. Waring, Graham and Cantwell.

The Speaker of the House announced the following gentlemen as composing the House Branch of the same committee: Messrs. Mebane, Reid, McRae, Dortch and Wheeler.

The following messages were received from the Senate and read:

A message, announcing that the Senate had ordered ten copies of S. B. No. 313: A bill to compromise, commute and settle the State debt, to be printed for each member of the General Assembly, and asking the concurrence of the House therein.

A message informing the House that the Senate had concentred in the following bills: H. B. No. 89, S. B. No. 146: A bill to amend section 1, chapter 32, laws of 1872-'73; and H. B. No. 52, S. B. 154: A bill to amend section 15, chapter 105, Battle's Revisal, entitled roads, ferries, &c.

A message informing the House that the Senate had passed

S. R. No. 242: Resolution for the relief of the Insane Asylum, and asking the concurrence of the House therein.

A message informing the House that the Senate had passed S. R. No. 99: Resolution for the relief of F. J. Satehwell, sheriff of Beaufort county, and asking the concurrence of the House therein.

S. B. No. 242, and S. R. No. 299, were both read the first time and ordered to be placed on the calendar.

The consideration of Mr. Tate's resolution was resumed.

Mr. Staples moved to lay the matter under discussion on the table, but subsequently withdrew the motion, and it was made the special order for to-morrow at 12½ o'clock.

On motion, the House adjourned until to-morrow at 11 o'clock.

# TWENTY-SEVENTH DAY.

THURSDAY, December 17th, 1874.

Pursuant to adjournment, Mr. Speaker Robinson called the House to order at 11, A. M.

Prayer by Rev. Mr. Rich, of the city.

The Journal of yesterday was read and approved.

Mr. Griffin presented a petition, asking that Fishing creek be made a lawful fence in the counties of Nash, Halifax and Edgecombe.

Mr. Shackelford presented a petition from sundry citizens of White Oak township, Onslow county, asking an extension of the prohibitory liquor law from two to five miles from Tabernacle Church, in said county.

The petitions were referred to the Committee on Propositions and Grievances.

Mr. Thompson, of Beaufort, presented a petition from citi-

zens of Craven county, asking to be attached to Pamlico county, which was referred to the Committee on Counties, Cities, Towns and Townships.

### REPORTS OF STANDING COMMITTEES.

Mr. Mendenhall, from the Committee on Education, reported unfavorably on

H. B No. 20: A bill to amend section 35, chapter 68, Battle's Revisal, and on

H. B. No. 53: A bill to empower the commissioners of Pasquotank to build school houses, and submitted an amendment to

H. R. No. 77: A resolution concerning the educational interests of Charlotte, and with the amendment recommended the passage of the resolution.

Mr. Means, from the Committee on the Judiciary, reported unfavorably on

H. B. No. 6: A bill to enforce the performance of contracts; and on

H. B. No. 29: A bill to amend the charter of the town of Lincolnton, and submitted an amendment to

S. B. No. 102: A bill to prevent the misapplication of the bonds, securities and other property of the State, and with the amendment recommended that the bill do pass.

Mr. McRae, from the Committee on the Judiciary, reported favorably on S. B. No. 134, H. B. No. 281: A bill to amend chapters 30 and 105, Battle's Revisal.

Mr Means, from the Committe on Banks and Currency, reported back S. B. No. 76: A bill to incorporate the Raleigh Savings Bank and Trust Company, with the recommendation that it be returned to the Senate for information as to publication.

Mr. Moring, from the Committee on the Judiciary, reported unfavorably on S. B. No. 75: A bill to amend chapter 108, section 30, Battle's Revisal, and on H. B. No. 131: A bill to amend section 30, chapter 105, Battle's Revisal.

Mr. Erwin, from the Committee on the Asylum for the Deaf, Dumb and Blind, reported unfavorably on H. B. No. 233: A bill to compensate Dr. G. W. Graham for services to Institution for the Deaf, Dumb and Blind.

Mr. Walker, of Richmond, from the Committee on the Judiciary, reported favorably on H. B. No. 272: A bill supplemental to an act to renew the charter of the Richmond Manufacturing Company.

Mr. Shackelford, from the committee on Engrossed Bills, reported the following bills as correctly engrossed:

H. B. No. 280: A bill to amend chapter 98, laws of 1873-'74;

H. B. No. 242: A bill to amend chapter 137, section 1, laws of 1873-'74, and a message was sent to the Senate transmitting the same, and asking the concurrence of that body therein.

Mr. Finger, from the Committee on Enrolled Bills, reported the following as correctly enrolled:

An act to amend section 15, chapter 104, Battle's Revisal, entitled Roads, Ferries, &c.;

An act to amend section 1, chapter 32, laws of 1872-'73;

An act to amend an act entitled an act to incorporate the Diamond Cotton Chopper and Cultivator Company, ratified January 17th, 1874;

Resolution concerning the memorial of the Chamber of Commerce of Wilmington;

Resolution in favor of F. J. Satchwell, sheriff of Beaufort county;

And they were ratified by the Speaker of this House, and were transmitted to the Senate to be ratified by the President of that body.

### INTRODUCTION OF BILLS.

By Mr. Walker, of Richmond: A bill to fix the compensation of Superior Court Judges for holding special and extra terms. Referred to Committee on the Judiciary. By Mr. Trivett: A bill in relation to the practice of physic in the State.

By Mr. Griffin: A bill to make Fishing creek in Halifax, Nash and Edgecombe counties a lawful fence.

By Mr. Griffin: A bill to prevent the felling of trees in Fishing creek in the counties of Nash, Halifax and Edgecombe.

All of the above bills were referred to the Committee on Propositions and Grievances.

By Mr. Wells: A bill to incorporate the town of Rose Hill, in the county of Duplin. Referred to Committee on Corporations.

By Mr. Munden: A bill to amend chapter 133, section 9, subdivision 4, laws of 1873-74. Referred to Committee on Finance.

By Mr. Tate: A bill to be entitled an act to extend and define the corporate limits of Morganton. Referred to Committee on Counties, Cities, Towns and Townships.

By Mr. Means: A bill concerning and to call a convention of the people. Referred to the Joint Committee on Constitutional Reform.

By consent, Mr. Proffitt introduced a resolution in favor of N. M. Wilson, sheriff of Yancey county, which was placed upon the calendar.

Mr. Thompson, of Beaufort, called up, by consent, S. R. No. 299: Resolution for the relief of F. J. Satchwell, sheriff, of Beaufort county, which was put upon its several readings passed, and was ordered to be enrolled for ratification.

The rules were suspended and the resolution in favor of N. M. Wilson, sheriff of Yancey county, was put upon its several readings, passed, and was ordered to be engrossed and sent to the Senate for concurrence.

On motion of Mr. Oaksmith, the rules were suspended and H. R. No. 90: Resolution concerning State railroads, was taken up and adopted.

On motion of Mr. McRae, the rules were suspended and

and H. R. No. 76: Resolution in favor of Judge McKay, was taken up and put upon its second reading.

Mr. Walker, of Richmond, called for the yeas and nays, and the resolution failed to pass. The following is the ballot:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Atwater, Barnett, Bennett, Boyd, Bryan, Candler, Dortch, Erwin, Glenn, Green, Gudger, Hurley, McCallop, McRae, Means, Mebane, Mendenhall, Mitchell, Moring, Moseley, Norment, Oaksmith, Parrott, Patton, Reid, Shackelford, Smith of Anson, Smith of Hyde, Spears, Staples, Stowe, Walker of Richmond, Wells and Woodhouse—35.

The following gentlemen voted in the negative:

Messrs. Barnhardt of Caldwell, Bernheardt of Rowan, Barrett, Bettis, Bizzell, Blythe, Brewington, Bryson, Bunn, Carter, Crews, Davis of Haywood, Davis of Jackson, Eatman, Etheridge, Fields, Finger, Foote, Freeman, Gaither, Garrison, Gash, Godwin, Good, Griffin, Hanner, Harrison, Haymore, Hicks, Hill, Holt, Hughes, Jessup, Jones, Kendall, King, Latta, Lloyd, Martin, McCubbins, McIver, McNeill, Mock, Moffitt, Munden, Newell, Page, Pinnix, Presson, Scott, Sharpe, Staton, Stephenson, Strong, Tate, Thompson of Lincoln, Trivett, Walden, Ward, Whisnant, White, Whitley and Wood—63.

Mr. Cary was excused from voting.

Mr. Strong gave notice of a motion to reconsider.

The special order being H. B. No. 259: A bill to give jurisdiction to chief officers of cities and towns within their corporate limits, was taken up on its second reading.

Mr. McRae offered the following amendment:

"Add to section 2: 'Provided, that whenever any act which shall constitute a misdemeanor under the provisions of this act, shall also be a violation of the criminal law of this State, the person committing said act shall only be tried for one offence, and when said act shall constitute a crime or misdemeanor of higher grade than is committed to the jurisdiction of a justice of the peace, the person so offending is to be held to answer

said charge before the Superior Court of the county in which said offence was committed, and shall not be punished for the violation of the ordinance of the town or city,' and strike out section 5 of said bill."

Mr. Means offered an amendment to the amendment, but withdrew it and accepted the amendment of Mr. McRae and the striking out of the 5th section of the bill.

The question was upon the amendment.

Mr. Moore demanded the yeas and nays, and the call was not sustained, and the amendment was adopted.

The question recurred on the bill on its second reading.

Mr. Hughes offered the following amendment:

"Provided, that defendants in the courts provided for in this act, shall have the same benefit of trial by jury as are provided for in courts of justices of the peace."

Mr. Bunn moved to lay the bill on the table.

The motion was lost.

Mr. Eatman moved that the bill be re-committed, and the motion was put and lost; and the question was upon the amendment of Mr. Hughes, and it was put and lost.

Mr. Means offered the following proviso, to come in at the end of the third section: "Provided, that there shall in all cases be the right of appeal to the Superior Court."

Pending further consideration, Mr. Walker, of Richmond, by consent, made a report on H. B. No. 282: A bill in regard to the compensation of Judges of the Superior Court for holding special and extra terms.

The consideration of H. B. No. 259 was resumed, and on the passage of the bill on its second reading, Mr. Means called the previous question, and the call was sustained.

The question recurred on the proviso, and it was adopted.

On the passage of the bill, Mr. Boyd called for the yeas and nays, and the call was sustained, and the bill failed to pass. The following is the ballot:

The following gentlemen voted in the affirmative:

Messrs. Atwater, Barnhardt of Caldwell, Bernheardt of Rowan, Barrett, Bennett, Bettis, Bizzell, Bryan, Davis of Jackson, Dortch, Finger, Gaither, Griffin, Gudger, Hanner, Haymore, Hurley, Jessup, Kendall, Latta, Martin, McCallop, McCubbins, McIver, McNeill, McRae, Mitchell, Moring, Moseley, Oaksmith, Page, Patton, Presson, Proffitt, Richardson, Sharpe, Smith of Anson, Staton, Stephenson, Stowe, Strong, Tate, Thompson of Lincoln, Walker of Richmond, Wells, Whitley, Wiley and Young—48.

The following gentlemen voted in the negative:

Messrs. Barnett, Blythe, Boyd, Brewington, Bryson, Bunn, Candler, Carson, Carter, Cary, Crews, Davis of Haywood, Dula, Eatman, Erwin, Etheridge, Fields, Foote, Freeman, Garrison, Gash, Glenn, Godwin, Good, Green, Harrison, Hill, Holt, Hughes, Jones, Lloyd, Means, Mebane, Mendenhall, Moffitt, Moore, Munden, Newell, Norment, Parrott, Pinnix, Scott, Shackelford, Smith of Hyde, Spears, Staples, Thompson of Beaufort, Trivett, Walden, Ward, Wheeler, Whisnant, White, Wood and Woodhouse—55.

Mr. Means moved to reconsider, in order to amend the bill and make it local in its application, and the reconsideration was had.

Mr. Means moved to amend by striking out the words "any incorporated city or town" and insert the words "Concord, Lincolnton and Morganton," in line 3, section 2, and strike out the words "incorporated city or town" in lines 1 and 2, section 3, and insert the words, "the towns of Concord, Lincolnton and Morganton."

Mr. Bizzell moved to amend by adding the town of Smith-field.

Mr. Means moved to add the town of Charlotte.

On motion of Mr. Moring, the bill with pending amendments, was recommitted to the Committee on the Judiciary.

## THE SECOND SPECIAL ORDER,

Being H. R. No. 91: Resolution in relation to the Western North Carolina Railroad, was taken up.

Mr. Boyd moved to amend by adding after the word "Speaker" the word "Governor."

The amendment was lost.

Mr. Walker, of Richmond, offered the following substitute for the resolution:

"Be it Resolved by the House of Representatives, the Senate concurring: That a committee of three on the part of the Senate and five on the part of the House, with power to send for persons and papers, be appointed to inquire into the nature and validity of all claims now existing against the Western North Carolina Railroad Company, and further to inquire whether, if such claims are valid and binding, a compromise of such claims can be made and upon what terms, and report to this General Assembly as soon as practicable: Provided, That no action or report upon the part of the said committee shall be construed into a recognition of the validity of any claims now existing against said Company."

The substitute was put to a vote and rejected.

Mr. Oaksmith offered the following amendment to be inserted immediately preceding the ratifying clause:

"Provided, That if such consultation results in the purchase of said railroad by the State, all of its net earnings, and all of the convict labor not required at the Penitentiary, shall be used and employed in its extension and completion; Provided further, That in such event said railroad shall not be mortgaged, leased or sold, or in any manner disposed of by the State, except to become a part of a consolidated line of railroad from Beaufort harbor to Tennessee, according to the original plans and surveys heretofore made by the State."

Mr. Tate called the previous question and the call was sustained.

Mr. Boyd moved to adjourn. The motion was lost.

The question recurred on Mr. Oaksmith's amendment. Mr. Oaksmith called for the yeas and nays, but the call was not sustained, and the amendment was put to a vote and lost.

The original resolution was then adopted, and ordered to be engrossed and sent to the Senate for concurrence.

Mr. Gudger moved to reconsider the vote by which the resolution was adopted, and to lay that motion on the table; and the motion to table prevailed.

A communication was received from the Auditor, which was laid before the House, and, on motion, was ordered to be sent to the Senate with a proposition to print.

Mr. Strong asked a suspension of the rules, in order to move that the bill to call a convention of the people, be ordered to be printed, and that five copies be printed for the use of each member of the House, and it was so ordered.

Leave of absence was granted to Mr. Fields from and after to-morrow until the 21st; to Mr. Bryson from and after to-morrow until the 21st; and to Mr. Cary from Saturday until the 21st.

A message was received from the Senate informing the House that the Senate had passed S. R. No. 323: A resolution in regard to the State debt, and asking the concurrence of the House therein;

And a message that the Senate had passed the following, asking the concurrence of the House therein:

- S. B. No. 95: A bill to extend the time for removing improvements off of the State lots in the city of Raleigh;
- S. B. No. 133: A bill to amend the charter of the town of Newport, Carteret county;
- S. R. No. 246: A resolution of instruction to the Governor concerning Lee Dunlap, an escaped prisoner;
- S. B. No. 313: A bill to create another township in the county of Burke; and engrossed Senate amendments to

H. B. No. 81, S. B. No. 152: A bill to repeal section 3, chapter 176, laws of 1873-'74.

On motion, the engrossed Senate amendments to H. B. No. 81, were concurred in, and the bill was ordered to be enrolled for ratification.

- S. R. No. 323, was placed on the calendar.
- S. B. No. 95 and S. B. No. 313, were referred to the Committee on Cities, Towns and Townships. And
- S. R. No. 246, was referred to the Committee on the Judiciary.

On motion, the House adjourned until to-morrow at 11 o'clock, A. M.

## TWENTY-EIGHTH DAY.

FRIDAY, December 18th, 1874.

The House met at 11 o'clock, Mr. Speaker Robinson in the chair.

Prayer by the Rev. Mr. Mangum, of the city.

The Journal of yesterday was read and approved.

#### PETITIONS.

Mr. Griffin presented a petition from citizens of the town of Whitakers, in Edgecombe and Nash counties, asking a change in the charter of said town, to be referred, with the bill to be introduced, to the Committee on Cities, Towns, Townships and Counties.

#### REPORTS FROM STANDING COMMITTEES.

Mr. Richardson, from the Committee on Corporations, reported on H. B. No. 251: A bill to authorize the Board of County Commissioners of Rowan county to subscribe to the capital stock of the Yadkin Railroad Company, with an amend-

ment, and recommending the passage of the bill as amended.

Mr. Richardson reported on S. B. No. 133: A bill to amend the charter of the town of Newport, with the recommendation that the bill be returned to the Senate for such information as that body possesses in relation to the same.

Mr. Walker, of Richmond, from the Committee on Salaries and Fees, reported on House Bills Nos. 4, 10, 33 and 229, all in relation to per diem and mileage, and recommended that they do not pass.

Mr. Means, from the Judiciary Committee, reported favorably on H. B. No. 263: A bill to amend and re-enact chapter 31, section 104 of Revised Code, concerning appeals from Justices Courts, and unfavorably on

H. B. No. 273: A bill to prevent the punishment of any person more than once for the same offence.

Mr. Carson, from the Committee on Agriculture, reported unfavorably on H. B. No. 266: A bill for the better protection of hands and farmers.

Mr. McRae, from the Judiciary Committee, reported favorably on H. B. No. 274: A bill to repeal section 17, chapter 11 Battle's Revisal; on

H. B. No. 259: A bill to give jurisdiction to chief officers of cities within their corporate limits; on

H. B. No. 257: A bill in relation to the better enforcement of contracts and the enhancement of agriculture; and on

H. B. No. 69: A bill to prevent swindling at Agricultural Fairs; and unfavorably on

H. B. No. 187: A bill concerning jurisdiction of justices of the peace; and

H. B. No. 104: A bill to provide clerical aid and travelling expenses for the Superintendent of Public Instruction.

Mr. Walker, of Richmond, from the same committee, reported unfavorably on

H. B. No. 178: A bill to reduce the bond of the Superior Court Clerk and Sheriff of Alleghany county; and favorably on

H. B. No. 261: A bill to amend section 15, chapter 64, Battle's Revisal, entitled "Landlord and Tenant;" and favorably on

H. B. No. 265: A bill in relation to write of certiorari, recordori and supersedias.

## REPORTS FROM SELECT COMMITTEES.

Mr. Mebane, from the Joint Committee on Conference on S. B. No. 34: A bill for the general relief of sheriffs and tax collectors, made a report, recommending that the House do recede from its amendments.

Mr. Shackelford, from the Committee on Engrossed Bills, reported the following as correctly engrossed:

H. B. No. 147: A bill to amend chapter 37, acts of the General Assembly of 1873-'74;

H. B. No. 274: A bill to repeal section 17, chapter 112, of Battle's Revisal;

H. R. No. 90: Resolution concerning State Railroads; and

H. R. No. 91: Resolution in relation to the Western North Carolina Railroad; and a message was sent to the Senate transmitting the same, and asking the concurrence of that body therein.

Mr. Finger, from the Committee on Enrolled Bills, reported as correctly enrolled:

An act to repeal section 3, and to amend section 13, chapter 176, of public laws of 1873-74;

An act in relation to the North Carolina Manual;

Resolution reducing the price of Battle's Revisal; and a resolution in regard to the flag-staff on the Capitol, and they were ratified by the Speaker of this House, and transmitted to the Senate to be ratified by the President of that body.

## INTRODUCTION OF BILLS.

By Mr. Moring: A bill to prohibit the sale of intoxicating liquors within two and a half miles of Hanks' Chapel Church, in the county of Chatham.

By Mr. Bettis: A bill to prevent the felling of timber in Buffalo creek, in Cleaveland county.

By Mr. Bizzell: A bill to exempt certain persons from working on public roads; all of which were referred to the Committee on Propositions and Grievances.

By Mr. Moore: A bill to be entitled an act to charter the Wilmington and Federal Point Plankroad Company. Referred to the Committee on Railroads, Post Roads and Turnpikes.

By Mr. Griffin: A bill to incorporate the town of Whitaker's. Referred to the Committee on Counties, Cities and Towns.

By Mr. Isler: A bill for the benefit of Jerry Waters and W. E. Moye. Referred to the Committee on Claims.

By Mr. Newell: A bill to allow judges of elections compensation. Referred to the Committee on Salaries and Fees.

By Mr. Richardson: A bill to incorporate Columbus Lodge No. 27, Independent Order of Odd Fellows, Whiteville, N. C. Referred to the Committee on Corporations.

A communication was received from the State Treasurer, the reading of which was begun, but, on motion of Mr. Mendenhall, the further reading was suspended, and an order to be sent to the Senate with a motion to print was made by the House, and a message was sent to the Senate transmitting the same.

On motion of Mr. Bennett, the rules were suspended and H. B. No. 147: A bill to amend chapter 13, acts of the General Assembly of 1873-74, was taken up and passed its several ings, and was ordered to be engrossed and sent to the Senate for concurrence.

On motion of Mr. Boyd, H. B. No. 206: A bill to amend

an act passed 16th February, 1874, was taken up, and the substitute proposed by the committee was adopted, and the bill, as substituted, was put on its several readings, was passed, and ordered to be engrossed and sent to the Senate for concurrence.

Leave of absence was granted to Mr. Presson from and after to day, until the 21st; to Mr. Whitley for the same time; and to Mr. Holt from to-morrow until the 21st.

On motion of Mr. Stephenson, H. B. No. 274: A bill to repeal section 17, chapter 112, Battle's Revisal, was taken up.

Mr. Boyd offered the following amendment:

"Provided the proviso of this act shall not operate so as to stop any proceedings now pending in the courts of this State against township officers for a violation of the present law."

Mr. Stephenson demanded the previous question, and the call was sustained.

Mr. Lloyd gave notice of an amendment.

The question was on Mr. Boyd's amendment, and it was lost.

The bill was put on its third reading, and Mr. Moore called for the yeas and nays.

The call was not sustained, and the bill passed and was ordered to be engrossed and sent to the Senate for concurrence.

On motion of Mr. McRae, it was ordered that there shall be no further suspension of the rules, and that the calendar be placed at the disposal of the Speaker for the day.

Mr. Shackelford, from the Committee on Mileage and Per Diem, made a report from his Committee.

On motion, the House receded from its amendments to H. B. No. 34, and the bill was ordered to be enrolled for ratification.

The calendar was taken up.

S. R. No. 88: Resolution in relation to furnishing the libraries of the two Houses with copies of Battle's Revisal, was taken up and passed its several readings, and was ordered to be enrolled.

- S. R. No. 242: Resolution for the relief of the Insane Asylum, was put on its several readings and passed, and was ordered to be enrolled for ratification.
- S. R. No. 246: Resolution of instruction to the Governor concerning the Lee Dunlap case, was put on its several readings, passed, and was ordered to be enrolled for ratification.
- S. R. No. 323: Resolution in regard to the public debt, was put on its readings.
- Mr. Brewington moved to add the name of the Wilmington "Star" to the list of newspapers in which publication was ordered.
  - Mr. Moore moved to add the "Post" and "Journal."
- Mr. Lloyd moved to add "Commercial Reporter;" and the amendments were lost.

Upon the adoption of the resolution Mr. Moore called the yeas and nays. The call was not sustained, and the resolution was adopted and ordered to be enrolled for ratification.

H. B. No. 259: A bill in relation to the jurisdiction of chief officers in cities, &c., was taken up on second reading.

Mr. Lloyd offered the following amendment:

"Provided, This act shall not apply to the city of Wilmington, or any town in New Hanover county."

Mr. Boyd gave notice of an amendment.

Mr. Means called the previous question. The call was sustained, and the question was on the amendment of Mr. Lloyd, which was put and lost.

Mr. Boyd sent forward the following amendment:

"Provided, the provisions of this act shall not extend to the towns of Graham and Company Shops, in the county of Alamance."

And on that amendment the question was put and lost.

And the question was then on the passage of the bill on its second reading, and it passed by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Barnhardt of Caldwell, Bernheardt of Rowan, Bennett, Bettis, Bizzell, Bryan, Bryson, Candler, Davis of Haywood, Davis of Jackson, Dortch, Eatman, Erwin Finger, Freeman, Gash, Green, Griffin, Gudger, Hanner, Harrison, Haymore, Hicks, Holt, Hurley, Isler, Jessup, Kendall, King, Latta, Martin, McCallop, McCubbins, McIver, McRae, Means, Mendenhall, Mock, Moring, Moseley, Parrott, Patton, Pinnix, Presson, Proffitt, Reid, Richardson, Shackelford, Sharpe, Smith of Anson, Spears, Staton, Stowe, Strong, Tate, Thompson of Lincoln, Trivett, Walker of Richmond, Wells, Whitley, Wiley and Young—63.

The following gentlemen voted in the negative:

Messrs. Barrett, Blythe, Boyd, Brewington, Carson, Carter, Cary, Crews, Dula, Elliott, Etheridge, Foote, Garrison, Glenn, Godwin, Good, Hill, Hughes, Jones, Lloyd, McNeill, Mebane, Mitchell, Moffitt, Moore, Munden, Newell, Norment, Thompson of Beaufort, Walden, Wheeler, Whisnant, White and Wood—34.

On motion of Mr. Strong, H. R. No. 76, in favor of the salary of Judge McKay, was made special order for the 25th of January, 1875.

H. R. No. 77: Resolution in regard to the educational interest of Cherokee county, was taken up, and the amendments of the Committee were adopted, and the resolution was adopted and ordered to be engrossed and sent to the Senate for concurrence.

H. B. No. 272: A bill in relation to the act amendatory of the act to renew the charter of the Richmond Manufacturing Company, was taken up and passed its several readings, and was ordered to be sent to the Senate without engrossment.

Mr. Walker, of Richmond, moved to reconsider the vote by which the bill had passed, and to lay that motion on the table; and the motion to table prevailed.

By consent, Mr. Pinnix introduced a resolution in favor of Geo. D. Miller, Clerk to the Harris Investigating Committee.

The resolution was placed on the calendar.

On motion, the resolution was taken up and passed its several readings.

Mr. Pinnix moved to reconsider the vote by which the resolution passed, and to lay that motion on the table; and the motion to table prevailed.

A message was received from the Senate, informing the House that the Senate had passed H. R. No. 90, S. R. No. 326: A resolution concerning State railroads, and it was ordered to be enrolled for ratification.

A message was received from the Senate, informing the House that the Senate had passed S. R. No. 324: A resolution in favor of the Institution for the Deaf and Dumb and the Blind, asking the concurrence of the House therein.

The resolution was placed on the calendar.

## CALENDAR.

S. B. No. 70, H. B. No. 219: A bill for making valid irregular entries of lands, was taken up, and passed its several readings, and was ordered to be enrolled.

H. R. No. 82: A resolution in regard to the centennial anniversary of the Mecklenburg Declaration of Independence, was taken up and adopted.

S. B. No. 102, H. B. No. 235: A bill to prevent the misapplication of bonds, securities and other property and effects of the State, was taken up, passed its several readings, and was ordered to be enrolled for ratification.

H. B. No. 6: A bill to enforce the performance of contracts, was taken up, and, on motion, tabled.

H. R. No. 97, S. R. No. 324: Resolution in favor of the Institution for the Deaf and Dumb and the Blind, was taken up and adopted.

H. R. No. 72: Resolution in favor of K. Haynes, sheriff of

Columbus county, was taken up, passed its several readings, and was ordered to be engrossed.

Mr. Richardson moved to reconsider the vote by which the resolution passed its third reading, and moved to lay that motion on the table. The motion to table prevailed.

H. B. No. 29: A bill to amend the charter of the town of Lincolnton, was taken up, and, on motion, postponed until after the recess.

S. B. No. 134, H. B. No. 281: A bill to amend chapters 30 and 105, Battle's Revisal, was taken up and passed its second reading.

Under a suspension of the rules, the bill came up on its third reading.

Mr. Moring offered the following amendment, which was adopted:

"Provided, That in counties where the compensation of the treasurer cannot exceed the sum of \$500, that 2½ per cent. on receipts and disbursements may be allowed in the discretion of the county commissioners."

Thus amended, it was ordered to be engrossed and sent to the Senate for concurrence.

And the House adjourned till to-morrow at 11 o'clock.

# TWENTY-NINTH DAY.

SATURDAY, December 19th, 1874.

The House met at 11 o'clock, A. M., Mr. Speaker Robinson in the chair.

The Journal of yesterday was read and approved.

#### PETITIONS.

Mr. Blythe introduced a petition from citizens of Henderson county, which was referred to the Committee on Propositions and Grievances.

## REPORTS OF STANDING COMMITTEES.

Mr. McIver, from the Committee on Cities, Counties, &c., reported favorably on H. B. No. 290: A bill to extend the time of removing the improvements off of the State lots in the city of Raleigh.

Mr. Walker, of Richmond, from the Committee on the Judiciary, reported favorably on H. B. No. 245: A bill to amend chapter 111, section 32, Battle's Revisal.

Mr. King, from the Committee on Engrossed Bills, reported the following as correctly engrossed:

H. R. No. 82: A resolution concerning the Centennial Celebration Anniversary of Mecklenburg Declaration of Independence on 20th of May, 1775.

H. R. No. 77: Resolution concerning the educational interest of Cherokee;

H. R. No. 99: Resolution in favor of H. M. Miller;

H. B. No. 301: A bill to be entitled an act to amend chapter 155, public laws of 1873-74; and they were order to be transmitted to the Senate, asking the concurrence of that body therein.

Mr. Finger, from the Committee on Enrolled Bills, reported the following bills and resolutions as correctly enrolled:

An act to repeal chap. 166, laws of 1871-'72;

An act for making valid certain irregular entries of lands; An act for the general relief of sheriffs and tax collectors; Resolution in regard to the public debt;

Joint Resolution for the relief of the Insane Asylum;

Resolution to print titles of all laws of this session, and all bills undisposed of;

Joint Resolution regarding the furnishing of the libraries of the General Assembly with Battle's Revisal;

Resolution of instruction to the Governor concerning Lee Dunlap, an escaped prisoner;

Resolution to pay Geo. D. Miller;

An act to amend an act entitled an act to establish a Bureau of Immigration and Agriculture;

An act for the relief of John Horton, former sheriff of Watauga county;

Resolution in favor of N. M. Wilson, sheriff of Yancey county;

An act supplemental to an act to amend an act entitled an act to renew the charter of the Richmond Manufacturing Company, passed at the session of 1868-'69, and ratified the 10th day of April, 1869;

A resolution in favor of the Deaf and Dumb and the Blind Asylum.

And they were ratified by the Speaker of the House, and ordered to be transmitted to the Senate to be ratified by the President of that body.

## INTRODUCTION OF RESOLUTIONS.

By Mr. Foote: A resolution in favor of H. M. Miller.

By Mr. Erwin: A resolution of inquiry touching the Western North Carolina Railroad Company.

Both of which were ordered to be placed on the calendar.

A message was received from the Senate, transmitting S.B. No. 308, a bill to amend chapter 182, section 10, private laws of 1872-'73, entitled an act to incorporate the Central Fire Insurance Company of North Carolina, which was read the first time and placed on the calendar.

A message was received from the Senate transmitting S. R. No. 332: Resolution in relation to the repairs on the Capitol, which was placed on the calendar.

Leave of absence was granted to Mr. Hanner, to Mr. Mizell, to Mr. Haymore, to Mr. Brewington, to Mr. Hurley, to Mr. Isler and to Mr. Harrison for Monday, and to Mr. Bennett from and after to-day.

## INTRODUCTION OF BILLS.

By Mr. McRae: A bill to define what interest in real estate may be sold under execution.

By Mr. Walker, of Richmond: A bill to amend chapter 17, section 57, Battle's Revisal, concerning parties to actions to recover real estate, both of which were referred to the Committee on the Judiciary.

A message was received from the Senate informing the House that the Senate had refused to concur in the House amendment to S. B. No. 134, H. B. No. 281.

The report of the Select Committee on Per Diem and Mileage, was made to the House, and, on motion, was adopted.

The calendar was taken up, and H. B. No. 53, to empower the commissioners of Pasquotank to build school houses, was taken up and put on its second reading, and failed to pass.

H. B. No. 101: A bill giving right of redemption to debtors, &c., was taken up, and, on motion of Mr. Patton, was made special order for January 25th, at 12 o'clock.

A message was received from the Senate transmitting S. B. No. 235, a bill to amend chapter 171, laws of 1872-'73.

On motion of Mr. Means, the vote by which H. B. No. 53 failed to pass, was reconsidered, and the bill was re-committed to the Committee on Education.

The question was put on the House receding from its amendments to S. B. No. 134.

On motion, the House refused to recede, and a message was sent to the Senate informing that body of the determination of the House, and asking for a committee of conference.

A message was received from the Senate, informing the House that the Senate had appointed the following gentlemen

as the Senate Branch of the Committee of Conference on S. B. No. 134: Messrs. Busbee, Albright and Parish.

The Speaker announced the following gentlemen as the House Branch of the Committee: Messrs. Moring, Gash, Richardson, Thompson, of Lincoln and Boyd.

The calendar was resumed.

H. B. No. 95: A bill to establish a laborers' and mechanics' lien law, was taken up.

On motion of Mr. Hughes, it was postponed and made special order for January 26th, 1875.

H. B. No. 104: A bill providing clerical aid and traveling expenses for the Superintendent of Public Instruction, was taken up, and, on motion, laid on the table.

S. R. No. 332: A resolution in relation to repairs on the roof of the Capitol, was taken up, and passed its several readings.

On motion of Mr. Staples, the rules were suspended, and S. B. No. 308: A bill to amend chapter 182, section 10, private laws of 1872-73, in relation to the Central Fire Insurance Company, was put on its several readings and passed, and was ordered to be enrolled for ratification.

The report of the Committee of Conference on H. B. No. 134, was adopted, and the bill was ordered to be enrolled for ratification.

H. B. No. 282: A bill to fix the compensation of Superior Court Judges for extra terms, &c., was taken up, and passed its several readings.

Mr. Walker, of Richmond, moved to reconsider the vote by which the bill passed, and to lay that motion on the table, and the motion to table prevailed; and a message was ordered to be sent to the Senate transmitting the bill without engressment.

A message was received from the Senate, transmitting S. B 235: A bill to amend chapter 171, laws of 1872-'73, which was read and referred to the Committee on Corporations.

H. B. No. 251: A bill to authorize the Commissioners of Rowan county to subscribe to the capital stock of the Yadkin

Railroad Company, was taken up, and passed its second reading by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Atwater, Barnett, Bernheardt of Rowan, Bennett, Bettis, Bizzell, Blythe, Boyd, Brewingion, Bryant, Carson, Carter, Crews, Dula, Eatman, Elliott, Erwin, Etheridge, Finger, Foote, Freeman, Gaither, Garrison, Gash, Glenn, Green, Griffin, Hanner, Harrison, Haymore, Hicks, Hughes, Hurley, Isler, Jessup, Johnston, Jones, Kendall, King, Lloyd, Martin, McCallop, McCubbins, McIver, McNeill, McRae, Means, Mebane, Mendenhall, Mitchell, Mock, Moffitt, Moore, Moring, Mosely, Munden, Newell, Oaksmith, Page, Parrott, Patton, Pinnix, Reid, Richardson, Sharpe, Smith of Anson, Spears, Staples, Stephenson, Stowe, Tate, Thompson of Lincoln, Walden, Walker of Richmond, Ward, Wells, Wheeler, White, Whitley, Wiley and Wood—81.

The following gentlemen voted in the negative:

Messrs. Barnhardt of Caldwell, Godwin and Latta-3.

S. B. No. 95, H. B. No. 290: A bill to extend the time of removing the improvements off the State lots in the city of Raleigh, was taken up and put on its several readings, and passed, and was ordered to be enrolled.

The resolution in favor of H. M. Miller was taken u,p and passed its several readings, ordered to be engrossed, and sent to the Senate.

H. B. No. 243: A bill to amend the charter of the city of Greensboro' was taken up and passed its several readings.

Mr. Staples moved to reconsider the vote by which the bill passed its third reading, and to lay that motion on the table. The motion to table prevailed.

A message was received from the Senate informing the House that that body had amended the joint resolution on adjournment by fixing the hour for adjournment at 8 A. M., instead of 1 P. M., on the 21st instant.

On motion of Mr. Patton, the House concurred.

On motion of Mr. Mendenhall, the vote by which the reso-

lution in reference to repairs on the roof of the Capitol, passed its third reading, was reconsidered.

Mr. Richardson moved to postpone its further consideration until after the recess, which motion was rejected.

The question recurred on the resolution on its third reading, and it passed.

The following concurrent resolutions having passed both Houses, they are by order spread upon the Journal of this House:

# RESOLUTIONS OF RESPECT TO THE MEMORY OF THE LATE GOVERNOR TOD R. CALDWELL.

WHEREAS, Since the close of the last session of the General Assembly, Hon. Too R. Caldwell, at that time the Chief Executive of our State, was stricken by the hand of death whilst in the discharge of his high office: And whereas, it is meet and proper that this General Assembly as a co-ordinate branch of the State government, should pay the fullest respect to the memory of one who occupied the highest position of honorand trust within the gift of the people of this State; therefore,

Be it resolved by the General Assembly, That in the death of the late Governor Tod R. Caldwell, the State has lost a son who was faithful and fearless in the discharge of what he conceived to be his duty and obligations to his native State, and ready at all times to further, by his efforts, her material welfare and prosperity.

Resolved, That we recognized in the deceased a man whose personal character was free from stain or reproach, and whose private life was distinguished by his ability, honesty, integrity and uprightness.

Resolved, That these resolutions be spread upon the Journals of the General Assembly, and that the President of the Senate and the Speaker of the House be and they are hereby requested to transmit to the widow of the deceased a copy of these resolutions, with an expression of our heartfelt sympathy and condolence in her great bereavement.

On motion, the House adjourned until Monday, at 7:30 A. M.

## THIRTIETH DAY.

Monday, December 21st, 1874.

The House was called to order at 7:30 A. M., by Mr. Speaker Robinson.

The reading of the Journal of Saturday was dispensed with.

A message was sent to the Senate transmitting engrossed copy of a resolution in favor H. M. Miller, and asking concurrence therein.

The following protest was made by Mr. Bettis, and at his request was ordered to be spread on the Journal of the House.

## PROTEST.

I hereby respectfully ask the General Assembly to grant me the privilege of having my protest entered on the Journal against the passage of the mileage and per diem act, that govern the per diem and mileage of the members of the present General Assembly of North Carolina, on account of excess.

Respectfully submitted to your honorable body,

ALLEN BETTIS.

Mr. Finger, from the Committee on Enrolled Bills, reported the following bills and resolutions as correctly enrolled:

An act to amend chapter 182, section 10, private laws of 1872-'73, entitled an act to incorporate the Central Fire Insurance Company of North Carolina;

An act to amend chapter 30, section 6, acts of 1868-'69, and chapter 105, section 16, acts of 1870-'71, of Battle's Revisal;

An act to extend the time for removing improvements off of the State lots in Raleigh, North Carolina;

An act to amend chapter 41, laws of 1873-'74, in regard to the inspector of wood and coal in the city of Raleigh, North Carolina;

An act concerning lost or destroyed records;

Resolution for the relief of the North Carolina Institution; Resolution in relation to repairs on the Capitol;

And they were ratified by the Speaker of the House, and transmitted to the Senate for ratification by the President of that body.

The hour of 8 A. M. having arrived, the Speaker, in accordance with the concurrent resolution, adjourned the House until Monday, January 18th, 1875, at 11 A. M.

## THIRTY-FIRST DAY.

Monday, January 18th, 1875.

This being the day fixed at the adjournment of the House of the General Assembly on the 21st day of December, 1874, for its re-assembling, the House met at 11 o'clock, and was called to order by Mr. Speaker Robinson.

The House was opened with paayer by the Rev. Mr. Atkinson, of this city.

A quorum of the House being in attendance, the regular business was entered upon.

## RECEPTION OF PETITIONS, MEMORIALS, &C.

Mr. Tate presented a memorial from citizens of Burke county, asking that their interest, and the State's interest in the Western North Carolina Railroad be protected by legislation, and it was placed on the calendar.

By Mr. Blythe: A petition from citizens of Henderson county, praying the General Assembly to grant a charter to the Western North Carolina Baptist Female College, located at Hendersonville, which was referred to Committee on Propositions and Grievances.

## INTRODUCTION OF RESOLUTIONS.

By Mr. Pinnix: Resolution concerning a Joint Select Committee on Louisiana affairs; and,

By Mr. Means: Resolution in regard to the Lee Dunlap case, both of which were placed on the calendar.

## INTRODUCTION OF BILLS.

By Mr. Blythe: A bill to incorporate the Western North Carolina Baptist Female College.

By Mr. Finger: A bill to provide for the passage of fish in the Catawba river.

By Mr. Finger: A bill to prohibit the sale of liquor within one mile of Mott's Grove Camp Ground, and Rehoboth Church.

By Mr. Finger: A bill to amend chapter 102, laws of 1873-'74, concerning Clark's Creek and Maiden's Creek, in the counties of Lincoln and Catawba; all of which were referred to the Committee on Propositions and Grievances.

.By Mr. Pinnix: A bill concerning proof of handwriting.

By Mr. Boyd: A bill to provide for the taking depositions of non-resident witnesses in civil actions before justices of the peace.

By Mr. Means: A bill to punish breaking into uninhabited houses with intent to commit a felony.

By Mr. Griffin: A bill to amend chapter 159, section 9, laws of 1868-'69, as brought forward in Battle's Revisal, chapter 63, section 11; all of which were referred to the Committee on the Judiciary.

By Mr. Oaksmith: A bill to authorize the county of Carteret to compromise its debts, which was placed on the calendar.

By Mr. Finger: A bill amendatory to the act incorporating the town of Hickory, Catawba county, which was referred to the Committee on Counties, Cities, Towns and Townships; and, By Mr. Pinnix: A bill in favor of Jacob A. Sowers, which was placed on the calendar.

Mr. Trivett asked indefinite leave of absence for Mr. Greene, of Watauga, on account of sickness; and leave of absence was asked for Mr. Ballard until February 1st for the same reason.

Mr. Hughes was announced as detained at home by sickness.

By consent, Mr. Mebane introduced a joint resolution of protest against Federal interference in Louisiana, which was placed on the calendar.

#### POSTPONED BUSINESS.

The postponed business of the session, preceding the recess, was taken up.

H. B. No. 29: A bill to amend the charter of the town of Lincolnton, and H. B. No. 102, S. B. No. 184, a bill to provide for two additional terms of the Superior Court for the county of Wayne, were both taken up on their third reading, and passed over informally.

## BILLS ON THIRD READING.

H. B. No. 195: A bill to repeal sections 5 and 6, chapter 2, Battle's Revisal, was taken up.

Mr. Strong moved to re-commit the bill to the Committee on Finance.

On the motion to re-commit, Mr. Moore called the yeas and nays.

The call was not sustained, and the question was then put on the motion to re-commit, and it was lost.

Mr. Boyd moved that the further consideration of the bill be postponed, and that the bill be made the special order for Friday next at 12 o'clock.

The House refused to postpone.

Mr. Gudger offered the following amendment: "And by repealing section 9, of said act."

Mr. Means moved to refer the bill, with the amendment, to the Committee on Agriculture, Mechanics and Mining.

Mr. Boyd moved that the House adjourn, but withdrew his motion, and, by consent,

Mr. Glenn introduced a resolution in regard to military interference in Louisiana, which was placed on the calendar.

By consent, Mr. Finger introduced a resolution in regard to military interference in Louisiana. The resolution was placed on the calendar.

The consideration of H. B. No. 195 was resumed, and, on its passage, Mr. McIver called the previous question, and the call was sustained, and the question recurred on the motion of Mr. Means, to refer the bill to the Committee on Agriculture, Mechanics and Mining.

The motion to refer was lost, and the question was then put on the amendment of Mr. Gudger, to repeal section 9.

The amendment was then adopted, and the bill, as amended, was then put on its third reading, and passed by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Atwater, Barnett, Barnhardt, of Caldwell, Bernheardt of Rowan, Barrett, Bettis, Bizzell, Blythe, Boyd, Brewington, Candler, Carter, Crews, Davis of Haywood, Davis of Jackson, Eatman, Erwin, Freeman, Glenn, Good, Griffin, Gudger, Harrison, Haymore, Hicks, Jessup, Johnston, Kendall, Latta, Martin, McIver, McRae, Mebane, Mendenhall, Mock, Moffitt, Moore, Moring, Munden, Parrott, Patton, Pinnix, Presson, Proffitt, Richardson, Staples, Staton, Stowe, Tate, Thompson of Beaufort, Thompson of Lincoln, Trivett, Walker of Richmond, White, Whitley, Wiley and Wood—57.

The following gentlemen voted in the negative:

Messrs. Bennett, Dortch, Etheridge, Finger, Godwin, Means, Norment, Oaksmith, Page, Smith of Hyde, Stephenson, Strong and Wheeler—13.

On the passage of the bill, Mr. Boyd voted in the negative; but by consent, changed his vote to a vote in the affirmative,

for the purpose of moving a reconsideration, and his vote is so recorded in the affirmative.

Mr. Boyd moved to reconsider the vote by which the bill passed its third reading, and

Mr. McIver moved to lay that motion on the table; and the motion to table prevailed.

A message was received from the Senate, proposing to raise a joint select committee to consist of three on the part of the Senate, and five on the part of the House, to prepare and report resolutions protesting against the interference of the National Government in the domestic affairs of Louisiana, and ask the concurrence of the House therein

And a message transmitting S. B. No. 25, a bill to incorporate the Gaston Mining Company.

The bill was read the first time, and referred to the Committee on Corporations.

And on motion, the House concurred in the resolution of the Senate to raise a Joint Select Committee on Louisiana Affairs.

On motion of Mr. Oaksmith, the rules were suspended, and the bill introduced by himself this morning, was taken from the calendar, and was referred to the Committee on Finance.

On motion of Mr. Means, the rules were suspended, and the resolution introduced by himself this morning, being instructions to the Judiciary Committee in connection with the Lee Dunlap case, was taken from the calendar, and put on its passage, and was adopted.

On motion of Mr. McRae, the House adjourned until tomorrow at 11 A. M.

## THIRTY-SECOND DAY.

Tuesday, January 19th, 1875.

The House met at 11 A. M., Mr. Speaker Robinson in the chair.

Prayer by the Rev. Mr. Marshall, of this city.

## INTRODUCTION OF PETITIONS AND MEMORIALS.

By Mr. Gudger: A petition from the board of county commissioners of Madison county, asking a special act to authorize them to levy a special tax for county purposes, which was referred to the Committee on Finance.

By Mr. Bizzell: A petition from citizens of the counties of Johnston, Sampson and Wayne, praying for the establishment of a new county to be called Coharie, which, with the bill to be introduced, was referred to the Committee on Cities, Towns, Counties and Townships.

By Mr. Young: A petition from citizens of Mitchell, Mc-Dowell and Burke counties, praying for the establishment of a new county to be called Linville, which was referred to the same committee.

By Mr. White: A petition from citizens of Halifax and Edgecombe, against making Fishing creek a lawful fence.

By Mr. Davis, of Haywood: A petition from citizens of the county of Baywood, praying for the prohibition of the sale of intoxicating liquors within one mile of Midway church, in the county of Haywood. Both of which were placed on the calendar.

By Mr. Trivett: A petition from the citizens of the county of Ashe, asking authority to levy a special tax, which was referred to the Committee on Finance.

By Mr. Young: A petition from citizens of Mitchell county, praying the passage of an act prohibiting the sale of spirituous liquors within four miles of Lily Branch church; and

By Mr. Smith, of Hyde: A petition from citizens of the county of Hyde, praying for the repeal of an act passed at the last session of the General Assembly, prohibiting the sale of liquor within two miles of Rush Academy, in the village of Nebraska; both of which were referred to the Committee on Propositions and Grievances.

## REPORTS OF COMMITTEES.

Mr. Richardson, from the Committee on Corporations, reported favorably on

S. B. No. 25, H. B. No. 317: A bill to incorporate the Gaston Mining Company.

Mr. McRae, from the Committee on Internal Improvements, reported favorably on

S. B. No. 22, H. B. No. 216: A bill concerning the Wilmington and Weldon and the Wilmington and Raleigh Railroad Companies.

Mr. Gudger, from the Committee on Propositions and Grievances, reported favorably on

H. B. No. 293: A bill to prohibit the sale of intoxicating liquors within two miles of Hanks' Chapel, in the county of Chatham; on

H. B. No. 308: A bill to prohibit the sale of spirituous liquors within one mile of Mott's Grove Camp Ground and Rehoboth church, in Catawba county; and on

H. B. No. 309: A bill to amend chapter 102, public laws of 1873-'74, concerning Clark's creek, in the counties of Lincoln and Catawba.

Mr. Shackelford, from the Committee on Engrossed Bills, reported as correctly engrossed

H. B. No. 195: A bill to repeal sections 5, 6 and 9, of chapter 2, of Battle's Revisal; and a message was sent to the Senate transmitting the same, and asking the concurrence of that body therein.

#### INTRODUCTION OF RESOLUTIONS.

By Mr. Mendenhall: Resolution on Constitutional amendments, which was placed on the calendar.

By Mr. Mendenhall: Resolution in regard to the Western North Carolina Railroad, which was referred to the Judiciary Committee.

# INTRODUCTION OF BILLS.

The following bills were introduced and referred to the Judiciary Committee:

By Mr. Means: A bill to punish the burning of grain and other products secured in stacks or otherwise out of doors.

By Mr. Norment: A bill to prohibit gambling in churches, fair grounds and other places.

By Mr. Dortch: A bill to protect certain rights of widows, held in lieu of dower, from being sold for their husbands' debts.

By Mr. Mendenhall: A bill to amend section 9, chapter 65, Battle's Revisal, lien of mechanics and others.

By Mr. Oaksmith: A bill to define the powers of foreign trustees.

By Mr. Walker, of Richmond: A bill to divest the jurisdiction of the Superior Courts on misdemeanors in failing to list polls and other property, and for other purposes.

The following bills were introduced and referred to the Committee on Propositions and Grievances:

By Mr. Davis, of Haywood: A bill to prohibit the sale of intoxicating liquors within one mile of Midway church, Haywood county.

By Mr. Smith, of Hyde: A bill to amend chapter 137, laws of 1873-'74.

By Mr. Walker, of Richmond: A bill to repeal an act prohibiting the sale of liquor within three miles of Richmond county court-house. The following bills were introduced and referred to the Committee on Corporations:

By Mr. Brewington: A bill to incorporate Golden Lyre Lodge No. 1608, Grand United Order of Odd Fellows, of Wilmington, N. C.

By Mr. Brewington: A bill to repeal an act chartering the North Carolina Beneficial Association.

By Mr. Bizzell: A bill to establish a new county by the name of Coharie. Referred to the Committee on Counties, Cities, Towns and Townships.

By Mr. Trivett: A bill to allow the commissioners of Ashe county to levy a special tax. Referred to the Committee on Finance.

By Mr. Erwin: A bill to amend chapter 71, section 6, laws of 1873-'74. Placed on the calendar.

Mr. Green, of Watauga, to whom leave of absence was granted yesterday on account of sickness, was announced as being in his seat.

Mr. Thorne, the member elect from Warren county to fill the vacancy occasioned by the death of Mr. Williams, came forward, presented his credentials, and was duly qualified by affirmation, and took his seat as a member of this House.

Leave of absence was granted to Mr. Cary until Saturday next, on account of sickness.

The Speaker announced the following gentlemen as composing the House Branch of the Joint Select Committee on Louisiana Affairs: Messrs. Pinnix, McRae, Mebane, Trivett and Mendenhall, and a message was sent to the Senate informing that body the House had concurred in the resolution of the Senate to raise said committee, and communicating the appointments of the House.

A communication was received from the State Geologist in response to a joint resolution, asking for a report of the operations and statements of the expenditures of the Geological department, and it was ordered to be sent to the Senate for the consideration of that body, and it was transmitted accordingly.

#### CALENDAR.

H. B. No. 251: A bill to authorize the commissioners of the county of Rowan to subscribe to the capital stock of the Yadkin Railroad Company, was taken up on its third reading, and, by request, was passed over.

H. B. No. 259: A bill to repeal chapter 195, laws of 1871-72, as brought forward in Battle's Revisal, chapter 111, sections 30 and 31, and to give jurisdiction to chief officers of cities and towns, within their corporate limits, was taken up on its third reading, and on the passage of the bill, Mr. Means called the previous question. The call was not sustained.

Mr. Mebane moved to print, and make special order for Thursday next, but withdrew his motion.

Mr. Eatman moved to lay the bill and the accompanying amendments on the table, and the motion prevailed.

Under a suspension of the rules, H. B. No. 232: A bill in regard to Insurance Companies, was taken up, and the substitute reported by the Committee was accepted, and, on motion of Mr. Staples, the bill, as substituted, was made special order for Friday, at 12 M., and on motion of Mr. McRae, the substitute was ordered to be printed.

On motion of Mr. Richardson, S. B. No. 25, H. B. No. 317: A bill to incorporate the Gaston Mining Company, was taken up and put on its several readings, and passed with the amendment of the addition of the ratifying clause, and was ordered to be enrolled.

Leave of absence was granted to Mr. Walker, of Tyrrell, until Friday next.

By consent, Mr. Moring introduced a resolution in regard to military interference with State Legislatures, which was placed on the calendar.

By consent, the bill introduced this morning by Mr. Walker, of Richmond, to divest the jurisdiction of the Superior Courts over misdemeanor in failing to list polls and property, and for

other purposes, was taken from the calendar, and referred to the Committee on the Judiciary.

Under a suspension of the rules, H. B. No. 180: A bill for the protection of small farmers, was taken up and put on its several readings, and passed, and was ordered to be engrossed and sent to the Senate for concurrence.

Mr. Bryan moved to reconsider the vote by which the bill passed its third reading, and that that motion be laid on the table, and the motion to table prevailed.

A message was received from the Senate transmitting the report of the Joint Select Committee on the State Debt and Liabilities, with a proposition to print. The proposition to print was concurred in.

On motion of Mr. Walker, of Richmond, H. B. No. 265: A bill in relation to writs of certiorari, recordari and supersedeas, was taken up and put on its several readings, and passed.

H. B. No. 267: A bill to prevent the felling of timber in the South Fork river, and in Rock and Laurel creeks, in the county of Burke, was put on its several readings and passed.

H. B. No. 29: A bill to amend the charter of the town of Lincolnton, was taken up on its third reading, and passed.

And they were all ordered to be engrossed and sent to the Senate for concurrence.

S. B. No. 14, H. B. No. 190: A bill to give justices of the peace jurisdiction in proceedings in the nature of forcible entry and detainer, was taken up and put on its second reading, and passed.

On going to its third reading, Mr. Walker, of Richmond, moved that the bill be re-committed to the Committee on the Judiciary, and it was so ordered.

On motion of Mr. Norment, the House adjourned until tomorrow at 11 o'clock.

# THIRTY-THIRD DAY.

Wednesday, January 20th, 1875.

The House met at 11 o'clock, Mr. Speaker Robinson in the chair.

The Journal of yesterday was read and approved.

## INTRODUCTION OF PETITIONS, &C.

Mr. Holt presented a petition from citizens of Richland township, praying for a change in the line of Pamlico county.

Mr. Dortch: A petition from citizens of Wayne county, praying the General Assembly not to pass a bill to form a new county, to be called Coharie, so far as it affects Wayne county.

Mr. Bryson: A petition and counter petition in relation to the change of the name of the seat of justice of Swain county; and they were referred to the Committee on Cities, Towns, Townships and Counties.

By Mr. Candler: A petition from citizens of Buncombe county in regard to the sale of spirituous liquors within two or three miles of certain churches, which was referred to the Committee on Propositions and Grievances; and,

By Mr. Davis, of Haywood: A petition from citizens of Haywood and Madison counties, praying for the erection of a new county, by the name of Bragg, which was placed on the calendar.

#### REPORTS OF COMMITTEES.

Mr. Walker, of Richmond, from the Judiciary Committee, reported favorably on

H. B. No. 331: A bill to divest the Superior Court of jurisdiction over misdemeanors in failing to list polls and property, and for other purposes.

Mr. Richardson, from the Committee on Corporations, reported favorably on

H. B. No. 279: A bill to incorporate the town of Marlboro', in the county of Pitt; and on

H. B. No. 300: A bill to incorporate Columbus Lodge, No. 27, Independent Order of Odd Fellows, Whitesville, North Carolina.

Mr. Gudger, from the Committee on Propositions and Grievances, reported favorably on

H. B. No. 326: A bill to amend chapter 137, laws of 1873-'74; on

H. B. No. 325: A bill to prohibit the sale of intoxicating liquors within one mile of Midway church, in the county of Haywood, and recommended that with the amendment proposed by the Committee, the bill do pass; on

H. B. No. 186: A bill to amend chapter 137, of the laws of

1873-'74; on

H. B. No. 327: A bill to repeal an act prohibiting the sale of liquors within three miles of Richmond county court house; on

H. B. No. 307: A bill to provide for the passage of fish in the Catawba river; on

H. B. No. 276, S. B. No. 159: A bill to extend the time for the payment on certain entries of vacant lands. The committee recommended that the bill be transmitted to the Senate in order that the enacting clause may be made to conform to article 2, section 23, of the Constitution of the State.

Mr. Tate, from the Committee on Finance, reported favorably on

H. B. No. 234: A bill to allow the commissioners of Ashe county to levy a special tax; and on

H. B. No. 314: A bill to authorize the county of Carteret to compromise their debts. The Committee recommended that the bill do pass, with the adoption of certain changes and amendments proposed by the Committee.

Mr. Staton, from the Committee on Cities, Towns Townships and Counties, reported favorably on H. B. No. 315: A bill to amend an act entitled an act to incorporate the town of

Hickory, in the county of Catawba, ratified 18th December, 1873, and for other purposes; on

H. B. No. 330: A bill to establish a new county by the name of Coharie; and unfavorably on H. B. No. 252: A bill to establish the county line between the counties of New Hanover and Brunswick.

Mr. McRae, from the Committee on Internal Improvements, reported on H. R. No. 90, S. R. No. 326, recommending that the House do not concur in the amendment proposed by the Senate.

Mr. Candler, from the Judiciary Committee, reported on H. B. No. 173: A bill to prohibit the carrying of side arms, without making any recommendation.

Mr. Walker, of Richmond, from the Judiciary Committee, reported unfavorably on H. B. No. 8: A bill to protect laborers.

#### INTRODUCTION OF RESOLUTIONS.

By Mr. Mendenhall: Resolution in regard to the use of banks in transmitting taxes to the treasury. Placed on the calendar.

## INTRODUCTION OF BILLS.

By Mr. Davis, of Haywood: A bill to establish a new county, by the name of Bragg. Referred to the Committee on Counties, Cities, &c.

The following bills were introduced and referred to the Judiciary Committee:

By Mr. Greene: A bill to authorize the chairman of the board of commissioners of Watauga county to make title to town lots in certain cases.

By Mr. Greene: A bill for the relief of certain officers in Watauga county.

By Mr. Wiley: A bill to create a lien in favor of landlords.

By Mr. Means: A bill to prevent live stock from running at large in the county of Cabarrus.

By Mr. Mendenhall: A bill in regard to the mode of keeping the public accounts. Referred to the Committee on Finance.

The following bills were introduced and referred to the Committee on Propositions and Grievances:

By Mr. Martin: A bill to prevent the felling of trees into Big Creek, in Stokes county.

By Mr. Hicks: A bill to prevent the sale of intoxicating liquors near Hayesville Academy.

By Mr. Young: A bill to prohibit the sale of intoxicating liquors within four miles of Little Branch church, Shiloh church, and within one mile of Polk Creek Camp Ground, in the county of Mitchell.

By Mr. Barnhardt, of Caldwell: A bill to amend chapter 39, Battle's Revisal, entitled "draining wet lands." Referred to the Committee on Agriculture, Mining and Mechanics.

By Mr. Means: A bill to provide a just system of advertising. Placed on the calendar.

By Mr. Strong: A bill to require the Secretary of State to perform certain duties. Placed on the calendar.

On motion of Mr. Barrett, the rules were suspended, and the bill to incorporate the town of Marlboro, Pitt county, was taken up, and passed its several readings, and was ordered to be engrossed and sent to the Senate.

## CALENDAR.

H. B. No. 129: A bill to economize in the matter of public printing, and to provide for the execution of the same by the State, was taken up on its second reading, but passed over informally on account of the absence of its introducer, Mr. Glenn.

H. B. No. 131: A bill to amend section 30, chapter 105, Battle's Revisal, was taken up, and failed to pass its second reading.

H. B. No. 141: A bill to settle the rights of counsel in certain cases, was taken up on its second reading.

Mr. Patton moved to lay the bill on the table, but at request withdrew the motion.

Mr. Spears moved to postpone, and make special order for the 27th inst., at 12 M.

Mr. Patton renewed his motion to table, and it was put to a vote and rejected.

The question recurred on the motion to make the bill the special order for the 27th, and it prevailed.

Mr. Staples, by consent, submitted a report from the Judiciary Committee, on

H. B. No. 269: A bill authorizing the city of Greensboro' to issue bonds, recommending the passage of the bill, upon the adoption of the accompanying amendment.

The calendar was resumed, and

- H. B. No. 150: A bill for the relief of John A. Reid, sheriff of Halifax county, was taken up, and, on motion of Mr. Jones, laid on the table.
- H. B. No. 157: A bill to amend section 3, chapter 106, public laws of 1873-'74, entitled an act to repeal section 19, chapter 112, Battle's Revisal, and to amend said chapter, was taken up, and, on motion of Mr. Moffitt, was referred to the Committee on Propositions and Grievances.
- H. B. No. 158: A bill to provide for the better attendance on common schools, was taken up on its second reading, and failed to pass.
- H. B. No. 102: A bill to provide for two additional terms of the Superior Court of Wayne county, was taken up.

The question was upon concurrence in the engrossed Senate amendments.

Mr. Dortch offered the following amendments, which were adopted: "Amend section 1, by striking out the words 'the first Monday in January and July,' and inserting in lieu thereof the words 'the fourth Monday in January and July;' and amend the amendment by striking out the words 'one hun-

dred dollars," and insert in lieu thereof the words 'two hundred dollars."

The Senate amendments, as amended, were concurred in, and a message was ordered to be sent to the Senate informing that body of the action of the House.

H. B. No. 169: A bill to punish swindling at agricultural fairs, was taken up.

The amendments, reported by the Judiciary Committee, were adopted, and the bill passed its second reading.

Under a suspension of the rules, the bill passed its third reading, and was ordered to be engrossed and sent to the Senate.

By consent, Mr. Strong introduced a bill concerning the city of Raleigh, which was referred to the Committee on Corporations.

By consent, Mr. Gash introduced a resolution in regard to heating of the Capitol, which took its place on the calendar.

By consent, Mr. McNeill introduced a bill to prevent the obstruction of Great Raft Swamp, Robeson county, which was referred to the Committee on Propositions and Grievances.

Mr. Means moved that the vote by which H. B. No. 259: A bill to repeal chapter 195, laws of 1871-'72, Battle's Revisal, chapter 111, sections 30 and 31, and to give jurisdiction to chief officers of cities and towns, &c., was laid on the table yesterday, be reconsidered. The motion was put to a vote and adopted.

The question then recurred on the motion to table; when Mr. Estman, the original mover of the motion, withdrew it by leave of the House.

On motion, the bill was ordered to be printed and made special order for January 28th, at 12 M.

Under a suspension of the rules, H. B. No. 331: A bill to divest the Superior Courts of jurisdiction over misdemeanors in failing to list polls and property, and for other purposes, was taken up and passed its several readings, and was ordered to be engrossed and sent to the Senate.

On motion of Mr. Oaksmith, the House adjourned until tomorrow at 11 A. M.

## THIRTY-FOURTH DAY.

THURSDAY, January 21st, 1875.

The House met at 11 o'clock, Mr. Speaker Robinson in the chair.

The Journal of yesterday was read and approved.

## INTRODUCTION OF MEMORIALS, &C.

By Mr. Fields: A petition in favor of Calvin Edwards, a citizen of the county of Surry, which was referred to the Committee on Cities, Towns, &c.

By Mr. Fields: A petition from citizens of Alleghany county, praying the opening of a public road, and by the same gentleman, a petition from citizens of the same county, praying for the construction of a turnpike from a point on the Virginia line, &c., both of which were referred to the Committee on Railroads, Post Roads and Turnpikes.

By Mr. Crews: A petition from citizens of Granville county, praying for the prohibition of the sale of intoxicating liquors in the neighborhood of Hermon Methodist Episcopal church in said county; and

By Mr. Patton, from citizens of Buncombe, praying for the prohibition of the sale of intoxicating liquors within two miles of Salem church and New Salem Peabody Academy, both of which were referred to the Committee on Propositions and Grievances.

By Mr. White: A petition for the better government of the department for the colored pupils in the Institution for the Deaf, Dumb and Blind; and

By Mr. Anderson: A petition from colored citizens of Davie county, asking the Legislature to establish a separate set of officers for the Institution of the Deaf, Dumb and the Blind, both of which were placed on the calendar.

#### REPORTS OF STANDING COMMITTEES.

Mr. Shackelford, from the Committee on Engrossed Bills, reported the following as correctly engrossed:

H. B. No. 29: A bill to amend the charter of the town of Lincolnton;

H. B. No. 265: A bill in relation to writs of certiorari, recordari and supersedeas, and

Engrossed amendments to Senate amendments of H. B. No. 102, S. B. No. 184: A bill providing for two additional terms for the Superior Court of the county of wayne; and a message was sent to the Senate transmitting the same, and asking the concurrence of that body therein.

Mr. Gudger, from the Committee on Propositions and Grievances, reported favorably on

H. B. No. 306: A bill to incorporate the Western North Carolina Baptist College; and recommended the following bills, with the amendments proposed by the committee:

H. B. No. 262: A bill to prevent the felling of timber, or otherwise obstructing the waters of Doctor's creek, in the county of Duplin;

H. B. No. 278: A bill to prevent the felling of timber in the run of Goshen swamp;

H. B. No. 294: A bill to prevent the felling of timber in Buffalo creek;

H. B. No. 343: A bill to prevent obstruction in the Great Raft Swamp, in Robeson county; and favorably on

S. B. No. 144, H. B. No. 255: A bill to prevent obstruction in Newport river; and unfavorably on

H. B. No. 295: A bill to exempt certain persons from working on the public roads.

Mr. Finger, from the Committee on Enrolled Bills, reported the following as correctly enrolled:

An act to regulate the fees of jailors;

An act to prevent the misapplication of the bonds, securities and other property and effects of the State; Resolution in favor of H. M. Miller;

An act to incorporate the Gaston Mining Company; and they were ratified by the Speaker of this House, and ordered to be sent to the Senate to be ratified by the President of that body.

## INTRODUCTION OF RESOLUTIONS.

By Mr. Patton: A resolution in favor of Natt. Atkinson, which was referred to the Committee on Claims.

#### INTRODUCTION OF BILLS.

The following were introduced and referred to the Judiciary Committee:

By Mr. Norment: A bill to amend chapter 111, Battle's Revisal.

By Mr. Brewington: A bill to amend Battle's Revisal, section 9, chapter 112.

By Mr. Newell: A bill in regard to justices of the peace.
The following were introduced and referred to the Committee on Counties, Cities, &c.:

By Mr. Young: A bill to lay off and establish the new county of Linville.

By Mr. Fields: A bill to change the line between the counties of Alleghany and Surry.

By Mr. Fields: A bill to lay out and construct a public road from the Virginia line to the top of the Blue Ridge, in Alleghany county.

The following were introduced and referred to the Committee on Railroads, Post Roads and Turnpikes:

By Mr. Fields: A bill to lay out and construct a public road from Peach Bottom Copper Mine, in Alleghany county, to the Virginia line.

By Mr. Anderson: A bill to amend an act to lay off and construct a public road in the counties of Davie and Davidson.

The following bills were introduced and referred to the Committee on Propositions and Grievances:

By Mr. Shackelford: A bill to amend chapter 146, laws of 1872-'73.

By Mr. King: A bill to authorize Cherokee and Graham counties to cancel bonds, and for other purposes.

By Mr. Patton: A bill to prevent the sale of intoxicating liquor within five miles of the Asheville and Spartanburg Railroad.

By Mr. Norment: A bill to repeal chapter 7, laws of 1873-'74, incorporating the town of Lumberton.

By Mr. Harrison: A bill to regulate the charges, tolls and fees of the Roanoke Navigation Company.

By Mr. Wheeler: A bill to protect the stock of the citizens of Forsythe county.

Mr. Woodhouse, was announced as detained at home by sickness, and was granted indefinite leave of absence.

Indefinite leave of absence was granted Mr. Dula, on account of sickness in his family.

Mr. Mizell was announced as detained at home by sickness. By consent, Mr. Walker of Richmond, introduced a resolution in regard to recent affairs in Louisiana, which was referred to the Joint Select Committee on Federal relations.

Under a suspension of the rules,

H. R. No. 103, introduced by Mr. Mebane,

H. R. No. 105, introduced by Mr. Finger,

H. R. No. 106, introduced by Mr. Glenn, and,

H. R. No. 109, introduced by Mr. Moring, were withdrawn from the calendar, and referred to the same committee.

Under a suspension of the rules,

H. R. No. 111: Resolution in regard to heating the Capitol, was taken up and adopted, and ordered to be engrossed and sent to the Senate.

The rules were suspended, and,

H. B. No. 230: A bill to amend section 39, chapter 105, Battle's Revisal, entitled "Salaries and Fees," was taken from

the calendar, and referred to the Committee on Judiciary.

Under a suspension of the rules,

H. B. No. 330: A bill to establish a new county to be called Coharie, was taken up on its second reading.

The Speaker announced that the hour for the first

# SPECIAL ORDER

had arrived, being H. B. No. 188: A bill for the relief of the contractors and employees of the Marion and Asheville Turnpike Road.

On motion of Mr. Bizzell, the present farther consideration of the bill was postponed, and it was made special order for Friday, the 29th, at 12 M.

The second

### SPECIAL ORDER

Being H. B. No. 253: A bill in relation to the charter of the Watauga and Caldwell Narrow Gauge Railroad, was taken up, and by motion of the introducer of the bill, Mr. Greene, was passed over, and took its place in regular course on the calendar.

The consideration of H. B. No. 330, was resumed.

Mr. Norment submitted the following amendment: Provided, That this act shall not take effect until submitted to the qualified voters of the counties affected by the act."

Mr. Boyd offered the following amendment to the amendment:

"Strike out the words 'counties affected,' and insert voters of the proposed county."

Mr. Boyd's amendment was accepted, and the amendment, as amended, was accepted by Mr. Bizzell.

On the passage of the bill on its second reading, Mr. Moore called the yeas and nays.

The call was not sustained, and the bill passed its second reading.

Objections being made, the bill was not put on its third reading.

On motion of Mr. Finger, the rules were suspended, and H. B. No. 309: A bill to amend chapter 102, public laws of 1873-'74, concerning Clark's and Maiden's creek, in the counties of Catawba and Lincoln, was taken up, and put on its several readings, and passed, and was ordered to be sent to the Senate.

On motion of Mr. Smith, of Anson, the rules were suspended, and

H. B. No. 261: A bill to amend section 15, chapter 64, Battle's Revisal, entitled "landlord and tenant," was taken up and put on its second reading, and passed.

On going to a third reading, Mr. Moring offered a substitute to the bill, which was accepted by Mr. Smith.

Mr. Boyd moved that the bill and substitute be re-committed to the Judiciary Committee.

Mr. Crews moved to amend by an order to print.

The question was on the adoption of the amendment, and it was lost. And on the motion to refer to the Judiciary Committee, the question was put and carried, and the bill was so referred.

By consent, Mr. Staples introduced a resolution in regard to the purchase of reconstruction bonds, which was placed on the calendar.

Under a suspension of the rules, H. B. No. 293: A bill to prohibit the sale of intoxicating liquors within two and a half miles of Hanks' Chapel, in the county of Chatham, was put on its several readings and passed, and was ordered to be engrossed and sent to the Senate.

H. B. No. 315: A bill to amend an act to incorporate the town of Hickory, was put on its several readings, and was passed and ordered to be engrossed.

H. B. No. 314: A bill to authorize the people of Carteret county to compromise their debts, was taken up.

The amendments proposed by the committee were accepted by the introducer of the bill, Mr. Oaksmith, and the bill was put on its several readings and passed, and was ordered to be engrossed.

H. R. No. 86: To protect the Battery of Artillery belonging to the State, was taken up, and on motion of Mr. Kendall, was re-committed to the Committee on Military Affairs.

On motion of Mr. Norment, the House adjourned until tomorrow at 11 o'clock.

## THIRTY-FIFTH DAY.

FRIDAY, January 22nd, 1875.

The House met at 11 o'clock, Mr. Speaker Robinson in the chair.

Prayer by the Rev. Mr. Mangum, of the city.

The Journal of yesterday was read and approved.

# INTRODUCTION OF PETITIONS, &C.

By Mr. Stowe: A petition from citizens of Gaston county, asking power to levy a special tax for the purpose of building a court-house, which was for the present placed on the calendar.

By Mr. Tate: A petition from citizens of the counties of Mitchell, McDowell, Burke, Caldwell and Watauga, asking the formation of a new county to be called Linville, which was referred to the Committee on Cities, Towns, &c.

By Mr. Moore: A petition from citizens of Wilson county, praying for an act for the better government of the colored Institution for the Deaf, Dumb and Blind, which was placed upon the calendar.

By Mr. Hughes: A petition of citizens of Granville county for the better government of the department for the colored Deaf, Dumb and Blind, which was placed on the calendar.

By Mr. Davis, of Haywood: A petition of citizens of Haywood county asking for the incorporation of Shook's Camp Ground and Pleasant Hill Baptist church, in the county of Haywood, which was placed on the calendar.

By Mr. Moffitt: A petition from citizens of Randolph county asking a repeal of the prohibitory laws, &c., which was referred to the Committee on Propositions and Grievances; and

By Mr. Strong: A petition from citizens of Wake county in relation to the government of the colored department of the Institute for the Deaf, Dumb and Blind. Calendar.

#### REPORTS OF COMMITTEES.

Mr. Staples, from the Judiciary Committee, submitted a report recommending the adoption of an accompanying substitute for House Bills 1, 3, 123, 112 and 183, all in relation to usury.

Mr. McRae, from the same Committee, submitted a minority report against the adoption of the proposed substitute, which was signed by himself and Messrs. Walker of Richmond, Mebane and Moring. At his request, the name of Mr. Gudger was attached to said minority report.

Mr. Staples, from the same Committee, reported H. B. No. 241: A bill to amend sections 21, 22 and 23, chapter 117, Battle's Revisal, recommending the adoption of an accompanying substitute.

Mr. Pinnix, from the Judiciary Committee, submitted a report on H. B. No. 277: A bill to provide for two additional terms of the Superior Court of Mecklenburg county, recommending its passage after the adoption of accompanying amendments.

Mr. Strong, from the Judiciary Committee, reported unfa-

vorably upon H. R. No. 18: Resolution asking our Representatives in Congress to use their influence to have a law passed establishing a uniform rate of interest.

Mr. McRae, from the Judiciary Committee, reported on the following bills:

H. B. No. 231: A bill to amend chapter 7, section 1, Battle's Revisal, that it do not pass; on

H. B. No. 271: A bill concerning listing of poll tax and other property, that it do not pass; and favorably with amendment, on

H. B. No. 78: A bill explanatory of section 10, chapter 102, Battle's Revisal; and on

H. B. No. 230: A bill to amend section 39, chapter 105, Battle's Revisal.

Mr. McRae also reported that the Judiciary Committee were of opinion that House Bills Nos. 83, 111, 224, 212, 109, 239, and the proposed substitute for them, all in relation to the sale of liquor in certain localities, did not require the thirty days' notice of application under section 45, chapter 52, Battle's Revisal.

Mr. Gudger, from the Committee on Propositions and Grievances, reported favorably on

H. B. No. 351: A bill to amend chapter 146, laws of 1872-'73; on

H. B. No. 354: A bill to authorize Cherokee and Graham counties to cancel bonds; and on

H. B. No. 360: A bill to protect the stock of the citizens of Forsythe county; and favorably, with amendments, on

H. B. No. 340: A bill to prevent felling in Big Creek, Stanly county.

Mr. Richardson, from the Committee on Corporations, reported favorably on the following bills:

H. B. No. 284: A bill to incorporate the town of Rose Hill, Duplin county; on

S. B. No. 235, H. B. No. 305: A bill to amend chapter 171, laws of 1872-'1873; and on

S. B. No. 133, H. B. No. 291: A bill to amend the charter of the town of Newport, Carteret county.

Mr. Walker, of Richmond, from the Committee on Salaries and Fees, reported unfavorably on

H. B. No. 167: A bill to amend section 31, chapter 105, Battle's Revisal; and on

H. B. No. 299: A bill to allow judges of election a compensation for services rendered.

Mr. Shackelford, from the Committee on Engrossed Bills, reported the following as correctly engrossed:

H. B. No. 315: A bill to be entitled an act to incorporate the town of Hickory, in the county of Catawba, ratified December 18th, 1873, and for other purposes;

H. B. No. 293: A bill to prohibit the sale of intoxicating liquors within two and a half miles of Hanks' Chapel church, in the county of Chatham;

H. B. No. 169: A bill to punish swindling at agricultural fairs;

H. B. No. 279: A bill to incorporate the town of Marlboro', Pitt county;

H. B. No. 309: A bill to amend chapter 102, public laws of 1873-'74, concerning Clark's creek and Maiden's creek, in the counties of Lincoln and Catawba;

H. B. No. 267: A bill to prevent the felling of timber in the South Fork river, and in Rock and Laurel creeks, in Burke county;

H. B. No. 331: A bill to divest the jurisdiction of the Superior Court over misdemeanors in failing to list polls and property, and for other purposes, and a message was sent to the Senate transmitting the same, and asking the concurrence therein.

Mr. Finger, from the Committee on Enrolled Bills, reported the following as correctly enrolled, and they were ratified by the Speaker of this House and transmitted to the Senate to be ratified by the President of that body: An act to extend the time of taking out grants from the State;

An act to authorize the Government of the United States to purchase and hold lands in North Carolina for the purpose of a national cemetery;

An act to amend section 2, chapter 171, laws of 1873-'74.

Mr. Pinnix, from the Joint Select Committeeon Federal Relations, submitted a report, which was placed on the calendar.

#### INTRODUCTION OF RESOLUTIONS.

Mr. Walker, of Richmond, introduced a resolution in favor of the Principal Clerks of the Senate and House of Representatives, which was placed on the calendar.

### INTRODUCTION OF BILLS.

The following bills were introduced and referred to the Committee on Finance:

By Mr. Stowe: A bill to authorize the county commissioners of Gaston county to levy a special tax.

By Mr. Moffitt: A bill to authorize the finance committee of the several counties to administer oaths in certain cases.

By Mr. Mendenhall: A bill to amend the charter of the North Carolina Railroad Company, and to provide for the ransfer of the State's stock therein; and the bill was likewise ordered to be printed.

The following were referred to the Committee on Propositions and Grievances:

By Mr. Wells: A bill to amend an act entitled an act to prevent the felling of timber or otherwise obstructing Rockfish creek, the boundary line between the counties of New Hanover and Duplin.

By Mr. Patton: A bill to prohibit the sale of intoxicating liquors in certain localities.

By Mr. Sharpe: A bill for the relief of the sheriffs of Iredell, Alexander and Surry counties. By Mr. Jessup: A bill to prevent and remove obstruction in the waters in Middle and Swift creeks, in the county of Johnston.

By Mr. Blythe: A bill to prohibit the sale of spirituous liquors within three miles of Calvary Church and Academy, in the county of Henderson.

By Mr. Latta: A bill to prevent the felling of timber in Eno, Little and Flat rivers, in the county of Orange.

The following were referred to the Committee on Corporations:

By Mr. Tate: A bill to incorporate the Bank of Burke County.

By Mr. Moffitt: A bill to incorporate the town of Franklinsville, in the county of Randolph.

By Mr. Davis, of Haywood: A bill to incorporate Shook's Camp Ground, of the Methodist Episcopal church, and Bleasant Hill Baptist church, in the county of Haywood; and

By Mr. Freeman: A bill to authorize the board of county commissioners of the county of Stanly to subscribe to the capital stock of the Yadkin Railroad Company.

The following was referred to the Committee on Salaries and Fees:

By Mr. Bennett: A bill to regulate the per diem of jurors. The following were referred to the Judiciary:

By Mr. Moore: A bill to amend chapter 32, section 39, Battle's Revisal.

And the following were placed on the Calendar:

By Mr. Blythe: A bill to amend the election laws; and

By Mr. Freeman: A bill to amend chapter 120, section 1, laws of 1871-72.

A message was received from the Senate, transmitting

S. B. No. 182: A bill to amend sub-division 1, of section 8, chapter 27, Battle's Revisal;

S. B. No. 97: A bill to amend sections 13 and 15, chapter 64, Battle's Revisal; and a substitute for

H. B. No. 13, S. B. No. 112: A bill to amend sub-divisions 264, 265, 270 and 273, of the Code of Civil Procedure.

The bills were read the first time, and were all referred to the Committee on the Judiciary.

A message was received from the Senate announcing that the Senate had concurred in the House amendment to H. B. No. 102, S. B. No. 184, as to the time of holding the Court specified, but had refused to concur in the amount of allowance to the judge.

Mr. Gudger moved that the House insist upon its amendments, and ask a committee of conference, but withdrew his motion, and,

On motion of Mr. Dortch, the House receded from its amendments in regard to allowance to the judge, and the bill was ordered to be enrolled for ratification.

The rules were suspended, and H. B. No. 330: A bill to establish a new county to be called Coharie, was taken up and put on its third reading.

Mr. Holt offered a substitute for the bill.

The question was put on the adoption of the substitute, and it was adopted:

Mr. Isler offered the following amendment, which was accepted.

Provided, That if a majority of voters in that portion of Wayne county, included within the limits of the county of Coharie, shall be against the new county, it shall not constitute a part of the county of Coharie.

The question was then on the passage of the bill on its third reading.

Mr. Moore demanded the yeas and nays, and the call was not sustained.

Mr. Staton called the previous question, which was sustained, and the bill passed its third reading.

Mr. Bizzell moved that the vote by which the bill passed its

third reading, be reconsidered, and that that motion be laid on the table.

On the motion to table, Mr. Lloyd demanded the yeas and nays, which was not sustained, and the motion to table prevailed.

On motion of Mr. Staples, the resolutions of the Joint Committee on Federal Relations, reported this morning by the committee, were taken up.

Mr. Norment moved to make them special order for one o'clock to-day.

Mr. Oaksmith moved that they be made special order for 12 o'clock, on Tuesday.

Both motions were lost, and they were put on their passage; and on their adoption, Mr. Pinnix called the previous question, which was sustained.

Mr. Staples demanded the yeas and nays, and the resolutions were adopted by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Atwater, Barnhardt of Caldwell, Bernheardt of Rowan, Barrett, Bennett, Bettis, Bizzell, Blythe, Bryan, Bryson, Candler, Carson, Davis of Haywood, Davis of Jackson, Dortch, Eatman, Erwin, Etheridge, Fields, Finger, Freeman, Gaither. Garrison, Gash, Greene, Griffin, Gudger, Hanner, Harrison, Haymore, Holt, Hooker, Hurley, Isler, Jessup, Jetton, Johnson, Kendall, King, Latta, Martin, McCalop, McCubbins, McIver, McNeill, McRae, Means, Mebane, Mendenhall, Mitchell, Mock, Moffitt, Moring, Mosely, Norment, Oaksmith, Page, Parrott, Patton, Pinnix, Presson, Proffitt, Reid, Richardson, Shackelford, Sharpe, Smith of Anson, Smith of Hyde, Spears, Staples, Staton, Stephenson, Stowe, Tate, Thompson of Beaufort, Thompson of Lincoln, Trivett, Walker of Richmond, Walker of Tyrrell, Wells, Whitley, Wiley and Young—84.

The following gentlemen voted in the negative:

Messrs. Barnett, Boyd, Brewington, Bunn, Carter, Cary, Crews, Glenn, Good, Hill, Hughes, Jones, Lloyd, Moore,

Munden, Newell, Parker, Thorne, Walden, Ward, Wheeler, Whisnant, White and Wood—24.

### SPECIAL ORDER,

Being H. B. No. 320: A bill to amend sections 42, 43 and 44, chapter 199, laws of 1871-72, as brought forward in Battle's Revisal, chapter 26, sections 42, 43 and 44, in relation to Insurance Companies, was taken up, but previous to a consideration, Mr. Oaksmith rose to a question of privilege, in regard to words spoken in the House yesterday:

Mr. Gudger objected to Mr. Oaksmith proceeding, on the grounds that neither were the words spoken definitely stated nor were the person or persons named, and the point of order was sustained by the Chair.

By leave, Mr. Means introduced a resolution in regard to the right of Mr. Thorne, the member from Warren, to a seat in this body, which was placed upon the calendar.

The rules were suspended, and the resolution was put on its passage and adopted.

Leave of absence was granted to Mr. Isler until Tuesday next, on account of important private business.

Mr. Foote announced that Mr. Dula was detained at home by sickness.

By leave, Mr. Tate made a report on H. B. No. 362: A bill to allow the county commissioners of Gaston, to levy a special tax, and recommended its passage.

On motion, H. B. No. 251: A bill to authorize the county commissioners of Rowan county to subscribe to the capital stock of the Yadkin Railroad Company, was taken from the calendar, and re-committed to the Committee on Corporations.

The consideration of the special order was resumed.

Mr. Finger offered the following amendment; "Provided, That this act shall not apply to Building and Loan Associations."

The amendment was accepted.

Mr. Fields offered the following amendment:

"Amend section 2, by inserting in 40th line after the word 'court' as follows:

"That all persons who solicit, accept, procure or forward applications for procuring or obtaining any contract or policies of insurance of life or property, or for the payment of annuities or endowments or any company, corporation or association shall be taken in all civil actions arising upon policies or contracts of insurance for life or property and on all contracts of insurance of annuities or endowments, and in all criminal prosecutions under this act, to be, and shall be deemed as the agent of the company or companies, corporations or associations for which such person or persons solicit, accept, procure, or forward such applications, any contracts, warranty or representation in such application or in such policy or contract to the contrary notwithstanding."

And the question being put on the amendment, it was rejected.

Mr. Fields moved the reconsideration of the vote by which the amendment was rejected, for the purpose of explanation.

The vote was reconsidered, and the question was again upon the adoption of the amendment, and it was rejected.

Mr. McRae offered the following amendment: Strike out the words "one or more newspapers" in section 2, line 22, and insert "in one newspaper;" strike out in section 2, lines 18 and 19, the words "one or more newspapers," and insert "one newspaper."

The amendment was accepted, and the following additional amendments were offered and accepted:

By Mr. Richardson: Amend section 2, line 15, by striking out "10" and inserting "5."

By Mr. Staples: Amend by striking out all after the word "Actuary" in line 20, section 1.

By Mr. Walker, of Richmond: Amend section 5, so that it

shall read, "This act shall be in force from and after thirty days after its ratification."

The question was then put on the passage of the bill, as amended, on its second reading, and passed and was ordered to third reading, and passed, and was ordered to be engrossed and sent to the Senate.

H. B. No. 362: A bill to authorize the county commissioners of Gaston county, to levy a special tax, by consent, was put on its second reading, and passed by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Atwater, Barnett, Barnhardt of Caldwell, Bernheardt of Rowan, Barrett, Bennett, Bettis, Bizzell, Blythe, Candler, Carson, Davis of Haywood, Dortch, Eatman, Erwin, Etheridge, Fields, Finger, Foote, Freeman, Gaither, Garrison, Gash, Glenn, Good, Greene, Griffin, Gudger, Hanner, Harrison, Haymore, Holt, Hurley, Isler, Jessup, Jetton, Johnston, Kendall, Latta, Lloyd, Martin, McCalop, McCubbins, McIver, McNeill, Means, Mebane, Mendenhall, Mitchell, Mock, Moffitt, Moring, Moseley, Newell, Norment, Oaksmith, Page, Parker, Parrott, Patton, Pinnix, Presson, Proffitt, Reid, Richardson, Sharpe, Smith of Anson, Smith of Hyde, Spears, Staples Staton, Stowe, Strong, Tate, Thompson of Lincoln, Trivett, Walden, Walker of Richmond, Walker of Tyrrell, Ward, Wells, Wheeler, Whisnant, Whitley, Wiley, Wood and Young—88.

Nays-None.

The bill substituted by the Committee on Finance for the various bills introduced on the subject of usury, was ordered to be made the special order for Tuesday, the 2d day of February, and to be printed.

By consent, Mr. Gudger introduced a resolution in regard to night sessions, which takes its place on the calendar.

Under farther suspension of the rules, H. B. No. 257: A bill for the better enforcements of contract and the enhancement of agriculture, was taken up.

Mr. Staples moved that the bill be printed, and made the special order for February 10th, at 12 o'clock.

Mr. Spears moved to strike out the order to print, but subsequently withdrew his motion.

Mr. McIver moved that the bill be printed and then take its course on the calendar.

Pending the consideration of this motion, a motion was made to adjourn, and the House adjourned until to-morrow at 11 o'clock.

## THIRTY-SIXTH DAY.

SATURDAY, January 23d, 1875.

The House met at 11 o'clock, Mr. Speaker Robinson in the chair.

The Journal of yesterday was read and approved.

Mr. Foote asked that his name may be recorded in the negative on the vote of the House yesterday on the resolutions in regard to Louisiana affairs, for the reason that he was not in the House at the time the resolutions were introduced, and leave was granted.

Mr. Blythe asked leave to change his vote from the affirmative to the negative on the same resolutions, and the Speaker ruled that it was not competent to make the alterations on the Journal.

## RECEPTION OF PETITIONS, MEMORIALS, &C.

By Mr. Bennett: A petition from citizens of Town Creek, in the county of Brunswick, praying that Town Creek may not be recognized as a lawful fence; which was referred, with the bill to follow, to the Committee on Propositions and Grievances.

By Mr. Stowe: A petition from citizens of Gaston county,

praying the change of the dividing line between the counties of Lincoln and Gaston, which was referred to the Committee on Cities, Towns, Counties, &c.

By Mr. Candler: A petition from citizens of the county of Madison, in relation to taxation; and

By Mr. Davis, of Jackson: The petition of R. M. Henry, in favor of R. H. Cannon, Judge of the 12th Judicial District; both of which were placed on the calendar.

By Mr. Page: A petition of citizens of Morrisville, in the county of Wake, in regard to the incorporation of the town of Morrisville, which was referred to the Committee on Corporations; and

By Mr. Mebane: A petition from certain citizens in the county of Rockingham, which was placed on the calendar.

Leave of absence was granted for to-day for Mr. Eatman, on account of severe indisposition.

### REPORTS FROM STANDING COMMITTEES.

Mr. Gudger, from the Committee on Propositions and Grievances, reported favorably on the following bills:

H. B. No. 286: A bill to prevent the felling of trees in Fishing creek, in the counties of Nash, Halifax and Edgecombe;

H. B. No. 342: A bill to prevent the sale of liquors near Lily Branch church, and certain other places, in the county of Mitchell;

H. B. No. 363: A bill to amend an act entitled an act to prevent the felling of timber into, or otherwise obstructing the waters of Rockfish creek; and on

H. B. No. 365: A bill for the relief of the sheriffs of Iredell, Alexander and Surry, with an amendment.

Mr. McRae, from the Committee on the Judiciary, reported unfavorably on the following bills:

H. B. No. 313: A bill to amend chapter 159, section 9, of laws of 1868-'69, as brought forward in Battle's Revisal, chapter 63, section 11;

H. B. No. 319: A bill to prevent gambling in churches, fair grounds, and other places;

H. B. No. 322: A bill to amend section 9, chapter 65, Battle's Revisal, in relation to liens of mechanics and others; and on

H. B. No. 5: A bill to amend title 9, chapter 4, of the Code of Civil Procedure.

Mr. McRae also reported a substitute for

H. B. No. 261: A bill to amend section 15, chapter 64, Battle's Revisal, entitled "landlord and tenant," and recommending the passage of the bill, as substituted; and favorably on

H. B. No. 302: A bill to amend chapter 17, section 57, Battle's Revisal, concerning parties to actions to recover real estate; and on

H. B. No. 323: A bill to define the powers of foreign trustees; and on

H. B. No. 338, reported that there was no legal objection to the bill.

Mr. Staton, from the Committee on Cities, Towns, &c., reported favorably on

S. B. No. 103, H. B. No. 220: A bill to change the name of Charleston, the seat of justice of Swain county, to that of Coleman.

Mr. Richardson, from the Committee on Corporations, reported favorably on

H. B. No. 251: A bill to authorize the board of county commissioners of Rowan county to subscribe to the capital stock of the Yadkin Railroad Company; and on

H. B. No. 328: A bill to incorporate the Golden Lyre Lodge, No. 1608, Independent Order of Odd Fellows, of Wilmington, North Carolina.

Mr. Carson, from the Committee on Agriculture, reported favorably on

H. B. No. 344: A bill to amend chapter 39, Battle's Revisal, entitled "Draining Wet Lands."

Mr. Erwin, from the Committee on Railroads, Post Roads and Turnpikes, reported favorably on

H. B. No. 296: A bill to charter the Wilmington and Federal Point Plank Road Company; and on

H. B. 358: A bill to lay out and construct a public road from Peach Bottom Copper Mine, Alleghany county, to the Virginia line.

H. B. No. 359: A bill amendatory of an act to lay out and construct a public road in the counties of Davie and Davidson.

Mr. Shackelford, from the Committee on Engrossed Bills, reported the following as correctly engrossed:

H. B. No. 379: A bill to establish a new county by the name of Coharie; and

H. B. No. 362: A bill to allow the commissioners of Gaston county to levy a special tax; and a message was sent to the Senate transmitting the same, and asking the concurrence of that body therein.

### INTRODUCTION OF RESOLUTIONS.

By Mr. Spears: A resolution in relation to fish culture in the State, which was placed on the calendar.

#### INTRODUCTION OF BILLS.

The following bills were introduced and referred to the Committee on the Judiciary:

By Mr. Etheridge: A bill to amend chapter 120, section 1, Battle's Revisal.

By Mr. Patton: A bill to make using language to disturb students attending schools, academies and colleges a misdemeanor.

By Mr. Means: A bill to amend chapter 113, laws of 1868-'69, as brought forward in Battle's Revisal, chapter 45, section 115.

By Mr. Tate: A bill in relation to the registration of deeds and other papers, in certain cases.

The following bills were referred to the Committee on Propositions and Grievances:

By Mr. Bennett: A bill in relation to Town creek, in Brunswick county.

By Mr. Thompson, of Beaufort: A bill for the protection of fisheries.

By Mr. Wells: A bill to amend sections 1 and 2, chapter 24, laws of 1868-'69.

By Mr. Reid: A bill in relation to the sale of liquor near Davidson College, Mecklenburg county.

The following bills were referred to the Committee on Counties, Cities, &c.

By Mr. Thompson, of Beaufort: A bill to change the dividing line between Craven and Pamlico counties.

By Mr. Stowe: A bill to change the dividing line between the counties of Gaston and Lincoln.

The following were referred to the Committee on Corporations:

By Mr. Page: A bill to incorporate the town of Morrisville, Wake county.

By Mr. Staton: A bill to incorporate the Pamlico Insurance and Banking Company.

By Mr. Tate: A bill to allow the commissioners of Burke county to issue bonds. Referred to the Committee on Finance.

The unfinished business of yesterday being H. B. No. 257: A bill for the enforcement of contracts, and the enhancement of agriculture, was taken up.

The question was on the pending motion of Mr. McIver, to have the bill printed, and the House so ordered.

The rules were suspended, and H. B. No. 362, to allow commissioners of Gaston county to levy a special tax, was taken up and put on its third reading, and passed by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Atwater, Barnhardt of Caldwell, Bernheardt of Rowan, Barrett, Bennett, Bettis, Bizzell, Blythe, Brewington, Bryan, Bryson, Candler, Carson, Cary, Davis of Haywood, Davis of Jackson, Dortch, Erwin, Etheridge, Fields, Finger, Foote, Freeman, Gaither, Garrison, Gash, Glenn, Godwin, Good, Greene, Griffin, Gudger, Hanner, Haymore, Hicks, Hill, Hooker, Hughes, Hurley, Jessup, Jetton, Johnston, Jones, Kendall, Latta, Lloyd, Martin, McCalop, McCubbins, McIver, McNeill, McRae, Means, Mendenhall, Mitchell, Mock, Moffitt, Moore, Moring, Moseley, Munden, Newell, Norment, Oaksmith, Page, Parker, Parrott, Patton, Pinnix, Presson, Proffitt, Reid, Richardson, Scott, Shackelford, Sharpe, Smith of Anson, Smith of Hyde, Spears, Staton, Stephenson, Stowe, Tate, Thompson of Beaufort, Thompson of Lincoln, Thorne, Trivett, Walker of Richmond, Walker of Tyrrell, Ward, Wells, Whisnant, White, Wiley, Wood and Young-97.

The following gentlemen voted in the negative:

Messrs. Bunn and Carter-2.

Mr. Moring moved to reconsider the vote by which the bill passed, and that that motion be laid on the table, and the motion to table prevailed.

Mr. Norment moved to reconsider the vote by which the resolution, passed yesterday in relation to Federal interference in Louisiana affairs, was adopted.

Mr. Pinnix moved to lay the motion to reconsider on the table, but afterwards withdrew the motion.

After discussion of the motion, Mr. Mebane renewed the motion to table.

Mr. Staples asked the withdrawal of the motion of Mr. Mebane.

Mr. Mebane refused to withdraw, and the question was then on the motion to table the motion of Mr. Norment to reconsider, and the motion to table prevailed.

On motion of Mr. Page, the use of this Hall was granted to

Mr. Smith, of this city, on Monday night, for the purpose of a lecture.

Under a suspension of the rules,

H. B. No. 272: A bill to provide for two additional terms of the Superior Court of Mecklenburg county, was taken up.

The amendments proposed by the committee were accepted, and the bill was put on its several readings and passed, and was ordered to be engrossed.

H. B. No. 340: A bill to prevent the felling of trees in Big creek, in the county of Stokes, was taken up, and, on motion of Mr. Means, the bill, and all others of like character, were referred to the Committee on Propositions and Grievances.

On motion of Mr. Oaksmith, the rules were suspended, and

H. R. No. 90, S. R. No. 326: Resolution in regard to State railroads, was taken up to consider the Senate amendments to the resolution.

The House refused to concur, and a message was sent to the Senate informing that body of the action of the House.

Under a suspension of the rules, the following bills were taken up and put upon their several readings and passed, and ordered to be engrossed:

H. B. No. 306: A bill to incorporate the Western North Carolina Female College;

H. B. No. 308: A bill to prohibit the sale of spirituous liquors within one mile of Mott's Grove Camp Ground and of Rehoboth church, in Catawba county; and

H. B. No. 327: A bill to repeal an act to prohibit the sale of liquor within three miles of Richmond county court house.

A message was received from the Senate informing the House of the passage of

S. B. No. 368: A bill concerning the weighing of lint cotton, and asking concurrence therein.

The bill took its place on the calendar as H. B. No. 398.

A message was received from the Senate informing the House of the passage of

- S. B. No. 208: A bill to amend section 4, chapter 40, Battle's Revisal;
  - S. B. No. 367: A bill concerning fences in Iredell county;
- S. B. No. 219: A bill to alter and amend chapter 17, section 268, Battle's Revisal; and
- S. R. No. 288: Resolution in favor of Godfrey Keebler, and asking concurrence therein.
  - S. B. No. 208, was referred to the Judiciary Committee
  - S. B. No. 367, to the Committee on Agriculture, &c.
  - S. B. No. 219, to the Committee on the Judiciary; and
  - S. R. No. 288, to the Committee on Claims.

Under a suspension of the rules, the report of the Committee on Propositions and Grievances, proposing a substitue for

H. B. No. 83, and various other bills in reference to the sale of liquors in certain localities, was taken up.

The question recurred upon the adoption of the substitute, which was adopted.

Mr. Smith, of Anson, offered the following amendment, "Amend by adding the words 'within two miles of White's Store Academy, in Anson county, after the last named church," which was adopted.

Mr. Candler moved to amend by inserting Sardis church, Reynold's Chapel and Sand Hill church, Buncombe county, which was adopted.

On motion of Mr. Mendenhall, the bill was further amended by inserting "Deep River Meeting House, in Guilford county."

The bill, as amended, then passed its several readings, and was ordered to be engrossed and sent to the Senate.

On motion of Mr. King, H. B. No. 354: A bill to authorize the counties of Cherokee and Graham to cancel bonds, and for other purposes, was taken up, and passed its several readings, and was ordered to be engrossed and sent to the Senate.

On motion, S. B. No. 368, H. B. No. 398: A bill concerning the weighing of lint cotton, was taken from the calendar and put on its second reading.

Mr. McRae moved to refer to the Committee on Propositions and Grievances.

On the call of Mr. Means, a ballot washad, and the motion to refer failed by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Atwater, Bryan, Bryson, Candler, Cary, Davis of Haywood, Davis of Jackson, Erwin, Fields, Gash, Griffin, Gudger, Hanner, Haymore, Hicks, Holt, Hooker, Jessup, King, Latta, Martin, McCalop, McIver, McNeill, McRae, Mebane, Mendenhall, Mitchell, Moore, Moring, Page, Parrott, Patton, Pinnix, Richardson, Scott, Spears, Staples, Stephenson, Walker of Richmond, Walker of Tyrrell and Wiley—43.

The following gentlemen voted in the negative:

Messrs. Barnett, Barnhardt of Caldwell, Bettis, Brewington, Bunn, Carson, Carter, Crews, Dortch, Finger, Foote, Freeman, Garrison, Glenn, Godwin, Good, Greene, Hill, Hurley, Jetton, Johnston, Jones, Kendall, Lloyd McCubbins, Means, Mizell, Moseley, Munden, Newell, Norment, Parker, Presson, Reid, Sharpe, Smith of Anson, Smith of Hyde, Staton, Stowe, Thompson of Beaufort, Thompson of Lincoln, Thorne, Walden, Ward, Wells, Wheeler, Whisnant, White, Wood and Young—49.

The question then recurred on the passage of the bill on its second reading.

Mr. Means called for the yeas and nays, and the call being sustained, a ballot was had and the bill passed its second reading.

The following gentlemen voted in the affirmative:

Messrs. Anderson, Atwater, Barnhardt of Caldwell, Bernheardt of Rowan, Barrett, Bennett, Bettis, Brewington, Bryan, Bryson, Bunn, Candler, Carson, Carter, Crews, Davis of Haywood, Davis of Jackson, Dortch, Erwin, Etheridge, Fields, Finger, Foote, Freeman, Gaither, Garrison, Gash, Glenn, Godwin, Good, Greene, Griffin, Gudger, Hanner, Haymore, Hicks, Hill, Holt, Hooker, Hurley, Jessup, Jetton, Johnston, Jones,

Kendall, King, Latta, Lloyd, Martin, McCalop, McCubbins, McIver, McNeill, McRae, Means, Mebane, Mendenhall, Mitchell, Mock, Moffitt, Moring, Moseley, Munden, Newell, Norment, Page, Parker, Parrott, Patton, Pinnix, Presson, Proffitt, Reid, Richardson, Scott, Sharpe, Smith of Anson, Smith of Hyde, Spears, Staples, Staton, Stephenson, Stowe, Tate, Thompson of Beaufort, Thompson of Lincoln, Thorne, Trivett, Walden, Walker of Richmond, Walker of Tyrrell, Ward, Wells, Wheeler, Whisnant, White, Wiley, Wood and Young—99.

Mr. Bizzell voted in the negative.

Under a suspension of the rules, the bill came up on its third reading.

Mr. Moring renewed the motion to refer to the Committee on Propositions and Grievances, which was agreed to after some debate.

On motion, H. B. No. 275: A bill to incorporate the Raleigh Savings Bank and Trust Company, was taken from the calendar and referred to the Committee on Corporations.

A message was received from the Senate informing the House that the Senate had receded from its proposed amendment to H. R. No. 90, S. R. No. 326: A resolution concerning State railroads, and appointed the following gentlemen as the Senate branch of the committee under the resolution, viz: Messrs. Graham, Mills and Jernigan.

On motion, the House adjourned until Monday morning at 11 o'clock.

# THIRTY-SEVENTH DAY.

Monday, January 25th, 1875.

The House met at 11 o'clock, Mr. Speaker Robinson in the chair.

Prayer by the Rev. Mr. Atkinson, of this city.

The Journal of Saturday was read and approved.

Mr. Hanner was announced as detained in his room by sickness.

### INTRODUCTION OF PETITIONS AND MEMORIALS.

By Mr. Walker, of Richmond: From citizens of Laurinburg, in the county of Richmond, praying the incorporation of that place, and the repeal of the law prohibiting the sale of liquor, which was referred to the Committee on the Judiciary.

By Mr. Shackelford: A petition from citizens of Onslow county, praying for an act the better to protect fish and fowl in the waters of New river, in said county, which was referred to the Committee on Propositions and Grievances.

By Mr. Page: A petition praying for the incorporation of Cedar Fork Lodge, Ancient, Free and Accepted Masons, which was referred to the Committee on Corporations.

#### REPORTS FROM STANDING COMMITTEES.

Mr. Finger, from the Committee on Enrolled Bills, reported the following as correctly enrolled:

A resolution in favor of State railroads;

A resolution in regard to heating the Capitol;

An act to incorporate the Light House Club of Currituck county, and

An act providing for two additional terms of the Superior Court of the county of Wayne.

And they were ratified by the Speaker of this House and transmitted to the Senate for ratification by the President of that body.

Mr. Gudger, from the Committee on Propositions and Grievances, reported favorably on

S. B. No. 368, H. B. No. 398: A bill concerning the weighing of lint cotton, and on

H. B. No. 390: A bill in relation to the sale of spirituous

liquors near Davidson College, in Mecklenburg county; and recommended the passage of

H. B. No. 353: A bill to prevent the sale of any intoxicating liquors within five miles of the Asheville and Spartanburg Railrord, with an amendment reported by the Committee; and unfavorably on

H. B. No. 364: A bill to prohibit the sale of intoxicating liquors in certain localities; and on

H. B. No. 389: A bill to amend sections 1 and 2, chapter 24, public laws of 1868-'69.

Mr. Hicks, from the same Committee, reported on

H. B. No. 352: A bill to repeal chapter 7, laws of 1873-'74, to incorporate the town of Lumberton, with an amendment, and recommended the passage of the bill with the adoption of the amendment.

Mr. Staton, from the Committee on Counties, Cities, Towns and Townships, reported favorably on the following bills:

H. B. No. 292, S. B. No. 313: A bill to create another township in the county of Burke;

H. B. No. 334: A bill to change the line of Pamlico county; and on

H. B. No. 356: A bill to change the line between the counties of Alleghany and Surry.

Mr. Reid, from the Committee on Claims, reported favorably on H. R. No. 113: Resolution in favor of Natt. Atkinson.

Mr. Mebane, from the Committee on the Institution for the Deaf and Dumb and the Blind, submitted a report, with an accompanying resolution, which was placed on the calendar.

The following bills, resolutions and amendments, reported as correctly engrossed by Committee on Engrossed Bills, were transmitted to the Senate for concurrence:

H. B. No. 308: A bill to be entitled an act to prohibit the sale of spirituous liquors within one mile of Mott's Grove Camp Ground, and of Rehoboth church, in the county of Catawba.

H. B. No. 320: A bill to be entitled an act to amend sec-

tions 42, 43, and 44, chapter 199, laws of 1871-'72, as brought forward in Battle's Revisal, chapter 26, sections 42, 43, and 44, in relation to Insurance Companies.

H. B. No. 327: A bill to be entitled an act to repeal an act prohibiting the sale of liquor within three miles of Richmond county court house.

H. B. No. 354: A bill to be entitled an act to authorize Cherokee and Graham counties to cancel bonds, and for other purposes.

### INTRODUCTION OF RESOLUTIONS.

The following resolutions were introduced, and were placed on the calendar:

By Mr. Robinson: A resolution of instruction to the Judiciary Committee in regard to the registration of chattel mortgages.

By Mr. Robinson: A resolution of instruction to the Finance Committee in regard to listing real estate for taxation.

By Mr. Norment: A resolution in regard to the Carolina Central Railway and the Western North Carolina Railroad.

By Mr. Candler: A resolution in regard to the Insane Asylum.

By Mr. Walker, of Tyrrell: A resolution of instruction to our Senators and Representatives in Congress.

#### INTRODUCTION OF BILLS.

By Mr. Stephenson: A bill to protect magistrates and other persons. Referred to Judiciary Committee.

By Mr. Hicks: A bill to require all male persons between the ages of 18 and 45 to work on public roads, except Ministers of the Gospel. Placed on the calendar.

By Mr. Hurley: A bill for the better protection of church property. Placed on the calendar.

The Speaker laid before the House a communication from

Thomas C. DeRosset, Secretary pro tem. of the Cape Fear Agricultural Association of Wilmington, N. C., transmitting a preamble and resolution on the subject of gambling at fairs, and endorsing the proposed action of the Legislature on the subject.

## THE SPECIAL ORDER,

being H. R. No. 76: A resolution in favor of the salary of Judge McKay, was taken up.

The question was the reconsideration of the vote by which the resolution had been rejected.

Mr. McRae moved to postpone further consideration of the motion on account of the absence of Mr. Strong, the original maker of the motion, and on the further motion of Mr. Gudger, the resolution was made the special order for February 10th, at 12 o'clock.

Under a suspension of the rules, S. B. No. 368: A bill concerning the weighing of lint cotton, was taken up on its third reading and passed, and was ordered to be enrolled.

On motion of Mr. Means, the vote by which the bill passed its third reading, was reconsidered, and the motion to reconsider laid on the table.

Under a further suspension of the rules, S. B. No. 133, H. B. No. 291: A bill to amend the charter of the town of Newport, in the county of Carteret, was taken up and put on its several readings and passed, and was ordered to be enrolled.

### THE CALENDAR.

The calendar was taken up, and H. B. No. 5: A bill to amend title 9, chapter 4, Code of Civil Procedure, was taken up and, on motion of Mr. Means, was laid on the table.

Under a suspension of the rules, H. B. No. 246: A bill to adjust the debt of Yancey county, was taken up, and put on its several readings and passed, and was ordered to be engrossed.

H. B. No. 260: A bill for the relief of the sureties of J. L. Harris, late sheriff of the county of Person, was taken up, put on its several readings and passed, and was ordered to be engrossed.

Mr. Young was announced as being detained in his room by

sickness.

H. B. No. 173: A bill to prohibit the carrying of side-arms, was taken up on its second reading.

Mr. Harrison sent forward the following amendment:

"Provided, That this act shall not apply to persons who do not carry said side arms concealed."

Mr. Shackelford moved to lay the bill on the table.

On this motion, Mr. Blythe called for the yeas and nays.

The call was sustained, and the House refused to table by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Bernheardt of Rowan, Barrett, Bennett, Boyd, Brewington, Bunn, Carson, Carter, Glenn, Gudger, Hughes, Johnston, Jones, Lloyd, Means, Mebane, Mitchell, Moring, Munden, Pinnix, Shackelford, Smith of Hyde, Spears, Staples, Staton, Stephenson, Tate, Thorne, Walker of Richmond, Wheeler and Wiley—31.

The following gentlemen voted in the negative:

Messrs. Anderson, Atwater, Barnett, Barnhardt of Caldwell, Bettis, Bizzell, Blythe, Bryant, Bryson, Candler, Davis of Haywood, Davis of Jackson, Dortch, Eatman, Erwin, Etheridge, Fields, Finger, Foote, Freeman, Gaither, Garrison, Gash, Godwin, Good, Greene, Griffin, Harrison, Haymore, Hicks, Hill, Holt, Hooker, Hurley, Jessup, Jetton, Kendall, King, Latta, Martin, McCalop, McCubbins, McIver, McNeill, McRae, Mendenhall, Mock, Moffitt, Moseley, Newell, Norment, Oaksmith, Page, Parker, Parrott, Patton, Presson, Proffitt, Reid, Richardson, Scott, Sharpe, Smith of Anson, Stowe, Thompson of

Beaufort, Thompson of Lincoln, Trivett, Walker of Tyrrell, Ward, Whisnant, Whitley, Wood and Woodhouse—72.

The question then recurred on the amendment of Mr. Harrison.

Mr. Thompson, of Beaufort, offered the following amendment:

Amend by inserting "sling shot," and by making the license "two dollars," also authorizing any "justice of the peace, sheriff, deputy sheriff or constable, to examine any person whom he may have reason to suspect is carrying them without a license."

The Speaker ruled that this could not be regarded as an amendment to the amendment, and the question was put on Mr. Harrison's amendment, and it was lost.

Mr. Candler announced his acceptance of Mr.T hompson's, of Beaufort, amendment.

Mr. Tate sent forward the following amendment:

Amend by inserting after "side arms" the words, namely, "pistols, dirks, bowie-knives, sword-canes, daggers or razors."

Mr. Boyd offered an amendment to the amendment, which was ruled by the Speaker as out of order.

Mr. Gudger offered an amendment to come in after the amendment of Mr. Tate, "or a walking cane which would be considered a deadly weapon."

Mr. Means moved that the farther consideration of the bill be postponed until the 2nd of February; and,

Mr. Finger moved that the bill, with the amendments, be printed.

The House refused to postpone, and the question recurred on the motion of Mr. Gudger.

Mr. Means called for a division of the question, and it was put on the motion to postpone, and it was lost.

Mr. Stephenson moved that the bill be re-committed to the Committee on the Judiciary, and the question was put on that motion and carried.

#### THE SECOND SPECIAL ORDER

Being H. B. No. 101: A bill to give the right of redemption to debtors when real estate has been sold under executions, mortgages and deeds of trust.

Mr. Walker, of Richmond, moved to re-commit the bill to the Committee on Judiciary.

Mr. Boyd moved to lay the bill on the table, but withdrew for an explanation on the bill from Mr. Candler.

Mr. Boyd again renewed his motion to table, and again withdrew it; and the question was then put on the motion to recommit and carried.

On motion of Mr. Iver, H. B. No. 328, a bill to incorporate Golden Lyre Lodge, G. U. O. O. F., Wilmington, North Carolina, was taken up, and put on its several readings and passed, and was ordered to be engrossed.

On motion of Mr. Freeman, H. B. No. 399, a bill to prohibit the sale of spirituous liquors in certain localities, which passed its third reading on the 23d, was reconsidered for the purpose of amendments.

The following amendments were sent forward and adopted: By Mr. Freeman: Amend by inserting "within two miles of Bethel Evangelical Lutheran church, in Stanly county."

By Mr. Martin: Amend by adding "within two miles of Dalton Institution, in Stokes county."

By Mr. Candler: Amend by inserting "Sardis church, Reynold's Chapel and Sand Hill church, in the county of Buncombe; and

By Mr. Jones: Amend by striking out "one mile of Red Hill church," and insert "one and a half miles."

On motion of Mr. Gudger, the bill and amendments were re-committed to the Committee on Judiciary, and all bills of like character were ordered to take that course.

A message was received from the Senate transmitting the following bills and resolutions:

S. B. No. 181: A bill to amend an act entitled "an act to

consolidate an act incorporating the town of Lenoir, Caldwell county, and the acts amendatory thereof;

Senate amendments to H. B. No. 28, S. B. No. 41: A bill to change the time of holding the courts in the third Judicial District;

- S. B. No. 365: A bill to incorporate the Trustees of Statesville Academy;
- S. B. No. 180: A bill to amend chapter 56, of Battle's Revisal;
  - S. R. No. 411: A resolution concerning the Constitution;
- S. R. No. 412: Resolution concerning Louisiana affairs; and,
- S. R. No. 362: Resolution concerning a Custom House and other public buildings in the city of Newbern.

They were read the first time and appropriately referred, or otherwise disposed of, as follows:

- S. B. No. 365, and S. B. No. 181, to the Committee on Corporations; and,
  - S. B. No. 180, to the Committee on Judiciary; and,
- S. R. No. 362, S. R. No. 411 and S. R. No. 412, were placed upon the calendar.
- Mr. Dortch moved that the House concur in the Senate amendments to H. B. No. 28, S. B. No. 41.

Mr. Eatman moved that the House do not concur, and on that motion called the yeas and nays.

The call was sustained, and the House agreed to concur by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Atwater, Barnett, Barnhardt of Caldwell, Bernheardt of Rowan, Bettis, Bizzell, Bryant, Dortch, Erwin, Etheridge, Fields, Finger, Freeman, Glenn, Greene, Griffin, Haymore, Holt, Hooker, Hurley, Jessup, Jetton, Johnston, Latta, Martin, McCalop, McCubbins, McIver, McNeill, McRae, Means, Mebane, Mendenhall, Mitchell, Mock, Moring, Moseley, Oaksmith, Page, Patton, Pinnix, Presson, Reid, Richardson, Scott, Shackelford, Sharpe, Smith of Anson,

Spears, Staples, Staton, Stephenson, Stowe, Thompson of Lincoln, Trivett, Walker of Richmond, Walker of Tyrrell, Whitley and Woodhouse—60.

The following gentlemen voted in the negative:

Messrs. Boyd, Brewington, Bryson, Bunn, Candler, Carter, Eatman, Foote, Garrison, Godwin, Good, Harrison, Jones, Kendall, Lloyd, Munden, Parker, Thorne, Ward, Whisnant, White and Wood—23.

And the bill was ordered to be enrolled for ratification.

On motion, S. R. No. 411: Resolution concerning the constitution, was taken from the calendar and put on its adoption.

Mr. Greene sent forward an amendment to amend by striking out "by one or the other of the modes provided by the constitution" and inserting "by a convention," but by consent withdrew his amendment.

Mr. Boyd gave notice of an amendment, and the question was on the resolution.

Mr. Walker, of Richmond, called the previous question, and the call was sustained.

Mr. Staples moved that the resolution be laid on the table, and the motion prevailed.

On motion of Mr. Presson, the House adjourned until 11 o'clock to-morrow.

# THIRTY-EIGHTH DAY.

Tuesday, January 26th, 1875.

The House came to order at 11 o'clock, Mr. Speaker Robinson in the chair.

Prayer by the Rev. Mr. Marshall, of this city.

The Journal of yesterday was read and approved.

### INTRODUCTION OF PETITIONS AND MEMORIALS.

By Mr. Mendenhall: A memorial by the Grand Lodge of Good Templars, praying an amendment to the Local Option Law; and by the same gentleman,

A petition from citizens of Northampton county, praying for the prohibition of the sale of spirituous liquors within two miles of Cedar Grove church, in said county; both of which were referred to the Committee on Propositions and Grievances.

By Mr. Erwin: A petition from citizens of McDowell county, touching the State's interest in the Western North Carolina Railroad, which was placed on the calendar; and

Mr. Thompson, of Beaufort: A memorial from citizens of Beaufort, praying the prohibition of the sale of intoxicating liquors within three miles of Pungo Chapel church, which was referred to the Committee on Propositions and Grievances.

#### REPORTS OF STANDING COMMITTEES.

Mr. Richardson, from the Committee on Corporations, reported favorably on the following bills:

H. B. No. 393: A bill to incorporate the town of Morrisville, in the county of Wake;

H. B. No. 372: A bill to incorporate the town of Franklinsville, in the county of Randolph;

H. B. No. 374: A bill to authorize the county commissioners of Stanly to subscribe to the capital stock of the Yadkin Railroad Company;

S. B. No. 76, H. B. No. 275: A bill to incorporate the Raleigh Savings Bank and Trust Company; and on

H. B. No. 347: A bill concerning the city of Raleigh, reported an amendment, and recommended with the adoption of the amendment that the bill do pass.

Mr. Staples, from the same committee, reported on

H. B. No. 394: A bill to incorporate the Pamlico Insurance

and Banking Company, with an amendment, and recommended the passage of the bill with the adoption of the substitute.

Mr. Mebane, from the Committee on Military Affairs, reported favorably on

H. B. No. 22: A bill to organize, discipline and equip the militia of North Carolina, as amended by the committee.

Mr. Tate, from the Committee on Finance, reported fa-

H. B. No. 386: A bill to authorize the commissioners of Burke county to issue bonds; and on

H. B. No. 369: A bill to authorize the Finance Committee of the several counties to administer oaths in certain cases.

Mr. Gudger, from the Committee on Propositions and Grievances, reported a substitute for

H. B. No. 341: A bill to prevent the sale of intoxicating liquors near Hayesville Academy, and recommended the passage of the substitute; and reported unfavorably on

H. B. No. 283: A bill in relation to the practice of physic in this State.

Mr. McRae, from the Committee on Judiciary, reported favorably on

H. B. No. 335: A bill to allow the chairman of the board of county commissioners of Watauga county to make titles to town lots in certain cases.

And recommended that H. R. No. 107: A resolution in regard to the Western North Carolina Railroad, which had been referred to the Judiciary Committee, be referred to the Joint Committee on State Railroads.

Mr. Staples, from the same committee, reported favorably on H. B. No. 400: A bill to protect magistrates and other persons.

Mr. Shackelford, from the Committee on Engrossed Bills, reported the following as correctly engrossed, and a message was sent to the Senate transmitting the same for the concurrence of that body:

H. B. No. 306: A bill to incorporate the Western North Carolina Baptist Female College; and H. B. No. 242: A bill to amend the charter of the city of Greensboro'.

Indefinite leave of absence was granted to Mr. Barrett on account of sickness in his family.

### INTRODUCTION OF BILLS.

By Mr. Reid: A bill to amend section 6, chapter 106, laws 1873-'74; and

By Mr. Boyd: A bill to amend chapter 9, of Battle's Revisal; both of which were referred to the Committee on Judiciary.

By Mr. Newell: A bill to allow the commissioners of Bladen county to levy a special tax, which was referred to the Committee on Finance.

By Mr. Page: A bill to incorporate Cedar Fork Lodge No. 342, Free and Accepted Masons, and

By Mr. Mock: A bill in relation to the corporate limits of Thomasville, both of which were referred to the Committee on Corporations.

Mr. Wiley was announced as being detained in his room by sickness.

Mr. Staples moved the vote by which S. R. No. 411 was, on yesterday, laid on the table, be reconsidered.

Mr. Barrett moved to lay the motion to reconsider on the table, and on that motion, called the yeas and nays. The call was sustained, and the House refused to table by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Barrett, Blythe, Boyd, Brewington, Bunn, Candler, Carson, Carter, Carey, Crews, Garrison, Glenn, Godwin, Good, Hill, Hughes, Jones, Lloyd, McNeill, Moore, Newell, Norment, Parker, Thorne, Walden, Ward, Whisnant, White and Wood—29.

The following gentlemen voted in the negative:

Messrs. Anderson, Atwater, Barnhardt of Caldwell, Bern.

heardt of Rowan, Bennett, Bettis, Bizzell, Bryant, Bryson, Davis of Haywood, Davis of Jackson, Dortch, Eatman, Erwin, Etheridge, Fields, Finger, Freeman, Gaither, Gash, Greene, Griffin, Gudger, Hanner, Harrison, Haymore, Hicks, Holt, Hooker, Hurley, Isler, Jessup, Jetton, Johnston, Kendall, King, Latta, Martin, McCalop, McCubbins, McIver, McRae, Means, Mebane, Mendenhall, Mitchell, Mock, Moffitt, Moring, Moseley, Oaksmith, Page, Parrott, Patton, Pinnix, Presson, Proffitt, Reid, Richardson, Shackelford, Sharpe, Smith of Anson, Smith of Hyde, Spears, Staples, Staton, Stephenson, Stowe, Tate, Thompson of Beaufort, Thompson of Lincoln, Trivett, Walker of Richmond, Walker of Tyrrell, Wells, Whitley and Woodhouse—77.

The question was put on reconsideration and carried, and the question now recurred on the motion to table, and that motion was withdrawn.

The question was then on the amendment of Mr. Norment, which the Speaker ruled not to be germane to the original subject.

The question was then on the following amendment of Mr. Boyd:

Resolved by the House of Representatives, the Senate concurring, That a committee of two from the Senate and five from the House be appointed and instructed to prepare a suitable bill incorporating the necessary machinery to submit to the people of North Carolina, at an election on the first Thursday in August, 1875, the question of calling a Convention to amend the present Constitution of the State.

Resolved further, That said bill shall provide that if a majority of the votes cast at such election shall favor a call of Convention it shall be taken as an instruction to this General Assembly to pass a Convention bill.

Resolved further, That in order to carry out the intention of this resolution this General Assembly when it adjourns, shall adjourn to meet again on the third Monday in Novem-

ber, 1875, to carry out such instructions as the people may give them in regard to this Convention question.

The Speaker ruled that the amendment was in the nature of a substitute, and therefore admissible.

On his amendment, Mr. Boyd called for the yaes and nays. The call was sustained, and the amendment was rejected by the following vote.

The following gentlemen voted in the affirmative:

Messrs. Barnett, Blythe, Boyd, Brewington, Bunn, Candler, Carson, Carter, Cary, Crews, Glenn, Godwin, Good, Harrison, Hill, Hughes, Jones, Lloyd, Moore, Newell, Norment, Parker, Thorne, Trivett, Walden, Ward, Whisnant, White and Wood—29.

The following gentlemen voted in the negative:

Messrs. Anderson, Atwater, Barnhardt of Caldwell, Bernheardt of Rowan, Bennett, Bettis, Bizzell, Bryan, Bryson, Davis of Haywood, Davis of Jackson, Dortch, Eatman, Erwin, Etheridge, Fields, Finger, Gaither, Garrison, Gash, Greene, Griffin, Gudger, Haymore, Hicks, Holt, Hooker, Hurley, Isler, Jessup, Jetton. Johnston, Kendall, King, Latta, Martin, McCalop, McCubbins, McIver, McNeill, McRae, Means, Mebane, Mendenhall, Mitchell, Mock, Moffitt, Moring, Moseley, Oaksmith, Page, Parrott, Patton, Pinnix, Presson, Proffiitt, Reid, Richardson, Shackelford, Sharpe, Smith of Anson, Smith of Hyde, Spears, Staples, Staton, Stephenson, Stowe, Tate, Thompson of Beaufort, Thompson of Lincoln, Walker of Richmond, Walker of Tyrrell, Whitley and Woodhouse—74.

The question then recurred on the original resolutions, upon the adoption of which Mr. Staples demanded the yeas and nays.

The call was sustained, and the resolutions were adopted by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Atwater, Barnhardt of Caldwell, Bern-

heardt of Rowan, Bennett, Bettis, Bizzell, Bryant, Bryson, Candler, Carson, Davis of Haywood, Davis of Jackson, Dortch, Eatman, Erwin, Etheridge, Fields, Finger, Freeman, Gaither, Garrison, Gash, Greene, Griffin, Gudger, Hanner, Harrison, Haymore, Holt, Hooker, Hurley, Isler, Jessup, Jetton, Johnston, Kendall, King, Latta, Martin, McCalop, McCubbins, McIver, McNeill, McRae, Means, Mebane, Mendenhall, Mitchell, Mock, Moffitt, Moring, Moseley, Oaksmith, Page, Parrott, Patton, Pinnix, Presson, Proffitt, Reid, Richardson, Shackelford, Sharpe, Smith of Anson, Smith of Hyde, Spears, Staples, Staton, Stephenson, Stowe, Tate, Thompson of Beaufort, Thompson of Lincoln, Trivett, Walker of Richmond, Walker of Tyrrell, Wells, Whitley and Woodhouse—80.

The following gentlemen voted in the negative:

Messrs. Barnett, Blythe, Boyd, Brewington, Bunn, Garter, Cary, Crews, Glenn, Godwin, Good, Hill, Hughes, Jones, Lloyd, Moore, Newell, Norment, Parker, Scott, Thorne, Walden, Ward, Whisnant, White and Wood—26.

Mr. Pinnix moved to reconsider the vote by which the resolutions were adopted, and to lay that motion on the table.

Upon which Mr. Lloyd demanded the yeas and nays. The call was not sustained, and the motion to table prevailed.

### THE SPECIAL ORDER,

Being H. B. No. 95: A bill to create a mechanics' and laborers' lien law, and for other purposes, was taken up.

Mr. Boyd moved to lay the bill on the table, but withdrew his motion at the request of Mr. Hughes, who offered a substitute for the bill.

After discussion, the bill, together with the substitute, was re-committed to the Committee on the Judiciary.

The rules were suspended, and

H. B. No. 394: A bill to incorporate the Pamlico Insurance and Banking Company, was taken up and put on its several readings, and passed, and was ordered to be sent to the Senate

without engrossment, under a motion to reconsider the vote by which the bill passed, and the prevalence of a motion to lay that motion on the table.

H. B. No. 338: A bill to prevent live stock from running at large in the county of Cabarrus, was taken up under farther suspension of the rules.

Mr. Reid sent forward the following amendment: "Amend by inserting the words 'Mecklenburg' in first section, substitute the words 'counties' for word county," wherever it occurs in this act."

Mr. Means accepted the amendment.

Mr. Means offered the following proviso:

"Provided, That any township in said counties that may have accepted the provisions of chapter 193, laws of 1872-'73, shall not be in anywise prejudiced by the enactment of this act."

Also amend by inserting as another section to be understood as 13, as follows:

The word "stock" in this act shall be construed to mean horses, mules, colts, cows, calves, sheep, goats and all other neat cattle and swine.

Under the adoption of the amendment, Mr. Means called for a division of the question.

Mr. Moore moved to lay the whole matter on the table.

The motion was put and lost, and the amendment was put; no quorum voting, the amendment was again read.

Mr. White and Mr. Spears offered amendments, which were ruled by the Speaker to be out of order; and

On motion of Mr. Means, the bill, with the amendments, was re-committed to the Committee on Propositions and Grievances.

H. B. No. 251: A bill to allow the county commissioners of

Rowan to subscribe to the capital stock of the Yadkin Railroad Company, was taken up and put on its third reading.

Mr. McCubbins sent forward the following amendment:

- "Amend section 2 by adding at the end of said section, and that the coupons of said bonds shall not be received in the payment of county taxes when said coupons become due."
- "Amend section 7 by adding at the end of said section, 'and that the county commissioners of Rowan county be empowered to appoint one of their number, or some other suitable person, to represent the county of Rowan in the meeting of the stockholders of the said Yadkin Railroad Company.'
- "Amend section 9 by adding after the word 'mentioned,' in section 8 of this act, 'And provided further, That this act shall not be in force and binding on said county till the county commissioners of Stanly county shall, in accordance with the existing laws, subscribe fifty thousand dollars to the capital stock of the Yadkin Railroad Company; and the said subscription be duly approved by a majority of the qualified voters of Stanly county; And provided further, That one hundred thousand dollars shall be subscribed to the capital stock of the Yadkin Railroad Company by individuals, corporations or otherwise, in addition to what has already been subscribed, and five per centum of the individual subscription paid in."

And the amendments were adopted.

Mr. Bernheardt, of Caldwell, offered the following amendment:

"Add after section 11, Provided, That the county commissioners of Rowan shall deem the said subscription solvent."

The amendment was adopted, and the question was on the passage of the bill, and it passed its third reading by the following vote, and was ordered to be engrossed.

The following gentlemen voted in the affirmative:

Messrs. Anderson, Atwater, Barnett, Barnhardt of Caldwell, Bernheardt of Rowan, Bettis, Bizzell, Blythe, Brewington, Bryant, Bryson, Bunn, Candler, Carson, Carter, Cary, Crews, Davis of Haywood, Davis of Jackson, Dortch, Eatman, Erwin, Etheridge, Fields, Finger, Freeman, Gaither, Garrison, Gash, Glenn, Godwin, Good, Greene, Griffin, Gudger, Hanner, Haymore, Hicks, Hill, Holt, Hooker, Hurley, Isler, Jessup, Jetton, Johnston, Jones, Kendall, Latta, Lloyd, Martin, McCalop, McCubbins, McIver, McNeill, McRae, Means, Mebane, Mendenhall, Mitchell, Mock, Moffitt, Moore, Moseley, Munden, Newell, Norment, Oaksmith, Page, Parker, Patton, Pinnix, Presson, Proffitt, Reid, Richardson, Sharpe, Smith of Anson, Smith of Hyde, Spears, Staples, Staton, Stephenson, Stowe, Tate, Thompson of Beaufort, Thompson of Lincoln, Thorne, Walker of Richmond, Walker of Tyrrell, Wells, Whisnant, Whitley, Wood, Woodhouse and Young-96.

Nays-none.

Under a further suspension of the rules, H. B. 269: A bill to authorize the city of Greensboro to issue bonds, was taken up and put on its second reading.

The report of the committee with the amendments proposed were read, and the amendments were accepted, and the bill passed its second reading by the following vote.

The following gentlemen voted in the affirmative:

Messrs. Anderson, Atwater, Barnett, Barnhardt of Caldwell, Bernheardt of Rowan, Bennett, Bettis, Bizzell, Blythe, Brewington, Bryant, Bryson, Bunn, Candler, Carter, Cary, Crews, Davis of Haywood, Davis of Jackson, Dortch, Eatman, Erwin, Etheridge, Fields, Finger, Foote, Freeman, Gaither, Garrison, Glenn, Godwin, Good, Greene, Griffin, Gudger, Hanner, Harrison, Haymore, Hicks, Hill, Holt, Hooker, Hurley, Jessup, Johnston, Jones, Kendall, King, Latta, Lloyd, Martin, McCalop, McCubbins, McIver, McNeill, McRae, Means, Mebane, Mendenhall, Mitchell, Mock, Moffit, Moore, Moseley, Munden, Newell, Norment, Oaksmith, Page, Parker, Parrot, Patton,

Pinnix, Presson, Reid, Richardson, Scott, Shackelford, Sharpe, Smith of Anson, Smith of Hyde, Spears, Staples, Staton, Stephenson, Stowe, Tate, Thompson of Beaufort, Thompson of Lincoln, Thorne, Walker of Richmond, Walker of Tyrrell, Ward, Wells, Whisnant, White, Whitley, Wood and Woodhouse—98.

Nays-none.

Under further suspension of the rules,

H. B. No. 213: A bill to exempt ministers of the Gospel from work on public roads, was taken up on its second reading and passed, and was put on its third reading.

Mr. Patton offered the following amendment: Insert "hav-

ing charge of churches."

Mr. Hanner moved to lay the bill on the table, and the motion prevailed.

Mr. Gudger moved to reconsider, and called the yeas and nays.

Mr. Richardson moved to adjourn, but withdrew his motion, and the Speaker announced a message from the Senate, communicating the appointment of Messrs. McElroy and Cantwell as the Senate branch of the Committee on heating the Capitol.

The Speaker announced Messrs. Gash, Glenn and Dortch as the House branch of the same Committee; and Oaksmith, McRae, Bryson, Erwin and Glenn as the House branch of the Joint Committee to investigate certain matters in connection with the State's interest in the various railroads, and a message was ordered to be sent to the Senate, informing that body of the said appointments.

Mr. Richardson renewed his motion to adjourn, and the House adjourned until to-morrow at 11 o'clock, A. M.

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### THIRTY-NINTH DAY.

WEDNESDAY, January 27th, 1875.

The House met at 11 o'clock, Mr. Speaker Robinson in the chair.

The Journal of yesterday was read, amended and approved.

# INTRODUCTION OF PETITIONS, &C.

By Mr. Gudger: A petition from citizens of Buncombe county, asking the prohibition of the sale of spirituous liquors within three miles of Sardis Methodist church; and by

Mr. Freeman: A petition from citizens of Stanly county, asking for the passage of an act prohibiting the sale of spirituous liquors within two miles of Rehoboth church, in the county of Stanly, both of which were referred to the Committee on Propositions and Grievances.

### REPORTS OF STANDING COMMITTEES.

Mr. McRae, from the Committee on the Judiciary reported favorably on H. B. No. 307: A bill to provide for the passage of fish in the Catawba river; and unfavorably on

H. B. No. 270: A bill concerning the jurisdiction of justices of the peace; and on

H. B. No. 337: A bill to create a lien in favor of landlords.
 Mr. Richardson, from the Committee on Corporations, reported favorably on

H. B. No. 329: A bill to repeal an act chartering the North Carolina Beneficial Association;

H. B. No. 409: A bill to incorporate Cedar Fork Lodge, No. 342, Free and Accepted Masons; on

H. B. No. 410: A bill in relation to the corporate limits of Thomasville; on

- S. B. No. 181, H. B. No. 404: A bill to amend an act to consolidate an act incorporating the town of Lenoir, Caldwell county, and the acts amendatory thereof; and
- S. B. No. 365, H. B. No. 403: A bill to incorporate the trustees of Statesville Academy;

And recommend that H. B. No. 373: A bill to incorporate Shook's Camp Ground of the Methodist Episcopal church, and Pleasant Hill Baptist church, in the county of Haywood, which had been referred to the Committee on Corporations, be referred to the Committee on the Judiciary, and it was so ordered.

- Mr. Carson, from the Committee on Agriculture, reported favorably on
- S. B. No. 367, H. B. No. 397: A bill concerning fences in Iredell and other counties.
- Mr. Gudger, from the Committee on Propositions and Grievances, reported unfavorably on
  - H. B. No. 388: A bill for the protection of fisheries.
- Mr. Walker, of Richmond, from the Committee on the Judiciary, reported on
- H. B. No. 145: A bill in relation to Judges and Commissioners, recommending an accompanying substitute therefor.
- Mr. Shackelford, from the Committee on Engrossed Bills, reported the following as correctly engrossed:
- H. B. No. 251: A bill to authorize the county commissioners of Rowan county to subscribe to the capital stock of the Yadkin Railroad Company;
- H. B. No. 260: A bill for the relief of John L. Harris, late sheriff of Person county; and
- H. B. No. 328: A bill to incorporate the Golden Lyre Lodge, No. 1608, Grand United Order of Odd Fellows, of Wilmington, North Carolina; and they were transmitted to the Senate for the concurrence of that body.

The following bills, reported as correctly enrolled by the Committee on Enrolled Bills, were duly ratified and transmitted to the Senate:

An act to amend the charter of the town of Newport, in the county of Carteret;

An act concerning the weighing of lint cotton; and

An act to change the times of holding the courts in the Third Judicial District.

#### INTRODUCTION OF RESOLUTIONS.

By Mr. Gudger: A resolution to adjourn sine die on the 15th of February, 1875. Placed on the calendar.

#### INTRODUCTION OF BILLS.

The following bills were introduced and referred to the Committee on the Judiciary:

By Mr. Erwin: A bill allowing compensation to jurors.

By Mr. Moffitt: A bill to authorize justices of the peace to issue subpœnas in certain cases.

By Mr. Etheridge: A bill to amend chapter 118, Battle's Revisal.

The following were referred to the Committee on Corporations:

By Mr. Wheeler: A bill to incorporate the Yadkin River Bridge and Turnpike Company.

By Mr. Pinnix: A bill to incorporate the Western North Carolina Land and Colonization Company.

By Mr. King: A bill amendatory of the act incorporating the Cheoah Turnpike Company.

By Mr. Bryson: A bill concerning inspectors of timber. Referred to the Committee on Propositions and Grievances.

By Mr. Thompson, of Beaufort: A bill to locate a county seat in Pamlico county. Referred to the Committee on Counties, Cities, &c.

The unfinished business of yesterday, which was on the consideration of the vote by which

H. B. No. 213: A bill to exempt ministers of the gospel

from work on public roads, was laid on the table, was taken up.

Mr. Johnston moved to lay that motion on the table; on
which motion Mr. Fields called for the yeas and nays.

The call was sustained, and the House refused to table by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Atwater, Bernheardt of Rowan, Bennett, Bizzell, Bryant, Cary, Dortch, Eatman, Etheridge, Finger, Gaither, Gash, Griffin, Hanner, Holt, Hooker, Hurley, Isler, Jessup, Jetton, Johnston, Kendall, Latta, Martin, McIver, McRae, Means, Mebane, Mendenhall, Mock, Moseley, Parrott, Pinnix, Presson, Reid, Richardson, Shackelford, Smith of Anson, Smith of Hyde, Staton, Stephenson, Stowe, Tate, Thompson of Beaufort, Thompson of Lincoln, Walker of Richmond, Walker of Tyrrell, Wells, Whitley, Wiley and Young—52.

The following gentlemen voted in the negative:

Messrs. Barnhardt of Caldwell, Bettis, Boyd, Brewington, Bryson, Bunn, Candler, Carson, Carter, Davis of Haywood, Davis of Jackson, Erwin, Fields, Foote, Freeman, Garrison, Glenn, Godwin, Good, Greene, Gudger, Harrison, Haymore, Hicks, Hill, Hughes, Jones, King, Lloyd, McCalop, McCubbins, McNeill, Mitchell, Mizell, Moffitt, Moore, Munden, Newell, Norment, Oaksmith, Page, Parker, Patton, Proffitt, Scott, Sharpe, Spears, Staples, Thorne, Trivett, Walden, Ward, Wheeler, Whisnant, White, Wood and Woodhouse—57.

And the question then recurred on the original motion to reconsider, and it prevailed by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Barnett, Barnhardt of Caldwell, Bernheardt of Rowan, Bennett, Bettis, Blythe, Boyd, Brewington, Bryson, Bunn, Candler, Carson, Carter, Cary, Crews, Davis of Haywood, Davis of Jackson, Fields, Foote, Freeman, Gaither, Garrison, Glenn, Godwin, Good, Greene, Gudger, Harrison, Haymore, Hicks, Hill, Hughes, Jones, King, Lloyd, McCalop, McCubbins, McNeill, Mitchell, Mizell, Moffitt, Munden, Newell, Norment, Oaksmith, Parker, Patton, Pinnix,

Proffitt, Scott, Sharpe, Spears, Staples, Thompson of Lincoln, Thorne, Trivett, Walden, Ward, Wheeler, Whisnant and White—61.

The following gentlemen voted in the negative:

Messrs. Anderson, Atwater, Bizzell, Bryant, Dortch, Eatman, Erwin, Etheridge, Finger, Gash, Griffin, Hanner, Holt, Hooker, Hurley, Isler, Jessup, Jetton, Johnston, Kendall, Latta, Martin, McIver, McRae, Means, Mebane, Mcndenhall, Moseley, Page, Parrott, Presson, Reid, Richardson, Shackelford, Smith of Anson, Smith of Hyde, Staton, Stephenson, Stowe, Tate, Thompson of Beaufort, Walker of Richmond, Walker of Tyrrell, Wells, Whitley, Wiley, Woodhouse and Young—48.

On motion to lay the bill on the table, Mr. Lloyd called the yeas and nays.

The call was sustained, and the House refused to table by the following vote.

The following gentlemen voted in affirmative:

Messrs. Anderson, Atwater, Bennett, Bizzell, Bryant, Dortch, Eatman, Erwin, Etheridge, Finger, Gash, Griffin, Hanner, Holt, Hooker, Hurley, Isler, Jessup, Jetton, Johnston, Kendall, Latta, Martin, McIver, McRae, Means, Mebane, Mendenhall, Mock, Moseley, Parrott, Pinnix, Presson, Reid, Richardson, Shackelford, Smith of Anson, Smith of Hyde, Staton, Stephenson, Stowe, Tate, Thompson of Beaufort, Thompson of Lincoln, Walker of Richmond, Walker of Tyrrell, Wells, Whitley, Wiley and Woodhouse—50.

The following gentlemen voted in the negative:

Messrs. Barnhardt of Caldwell, Bernheardt of Rowan, Bettis Blythe, Boyd, Brewington, Bryson, Bunn, Candler, Carson, Carter, Cary, Crews, Davis of Haywood, Davis of Jackson, Fields, Foote, Freeman, Gaither, Garrison, Glenn, Godwin, Good, Greene, Gudger, Harrison, Haymore, Hicks, Hill Hughes, Jones, King, Lloyd, McCalop, McCubbins, McNeill, Mitchell, Mizell, Moffitt, Moore, Munden, Newell, Norment, Oaksmith, Page, Parker, Patton, Proffitt, Scott, Sharpe, Spears,

Staples, Thorne, Trivett, Walden, Ward, Wheeler, Whisnant, White, Wood and Young—61.

The Speaker announced that the hour for the

### SPECIAL ORDER

had arrived, being the consideration of

H. B. No. 141: A bill to settle the rights of counsel; but on motion, farther action was postponed until the business before the House was disposed of.

And the question was on the amendment offered yesterday by Mr. Patton.

Mr. Fields accepted the amendment.

Amendments were sent forward exempting the counties of Wayne, Washington, Wilson, Johnston, Cumberland, Pitt, Rockingham and Duplin from the provisions of this act.

Mr. Gash moved to re-commit to the Committee on Propositions and Grievances.

Mr. Spears sent forward the following amendment:

"That the overseers of the public roads in this State, shall have power to exempt from working on said roads any minister of the gospel regularly ordained and having charge of a congregation."

Mr. Reid moved to postpone indefinitely, and on that motion Mr. Lloyd called the yeas and nays, and the bill was indefinitely postponed by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Atwater, Bennett, Bizzell, Boyd, Bryant, Davis of Haywood, Davis of Jackson, Dortch, Eatman, Erwin, Etheridge, Finger, Gash, Griffin, Hanner, Holt, Hooker, Isler, Jessup, Jetton, Johnston, Kendall, Latta, Martin, McIver, McRae, Means, Mebane, Mendenhall, Mock, Moring, Moseley, Page, Parrott, Patton, Pinnix, Presson, Reid, Richardson, Shackelford, Smith of Anson, Smith of Hyde, Staples, Staton, Stowe, Tate, Thompson of Beaufort, Thompson of Lincoln,

Walker of Richmond, Walker of Tyrrell, Wells, Whitley, Wiley, Woodhouse and Young-56.

The following gentlemen voted in the negative:

Messrs. Barnhardt of Caldwell, Bernheardt of Rowan, Bettis, Blythe, Brewington, Bryson, Bunn, Candler, Carson, Carter, Cary, Crews, Fields, Foote, Freeman, Gaither, Garrison, Glenn, Godwin, Good, Greene, Gudger, Harrison, Haymore, Hicks, Hill, Hughes, Hurley, Jones, King, Lloyd, McCalop, McCubbins, McNeill, Mitchell, Mizell, Moffitt, Moore, Munden, Newell, Norment, Oaksmith, Parker, Proffitt, Scott, Sharpe, Spears, Thorne, Trivett, Walden, Ward, Wheeler, Whisnant, White and Wood—55.

The consideration of the special order was resumed.

After discussion of the bill, Mr. Walker of Richmond, offered a substitute which was accepted, and the bill was put on its second reading.

Upon its passage, Mr. Oaksmith demanded the yeas and nays, and the call was sustained; and Mr. Spears called the previous question, which was sustained, and the bill passed its second reading by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Atwater, Barnhardt of Caldwell, Bernheardt of Rowan, Bennett, Bettis, Bizzell, Blythe, Boyd, Brewington, Bryant, Bryson, Bunn, Candler, Carter, Cary, Crews, Davis of Haywood, Davis of Jackson, Dorth, Eatman, Erwin, Etheridge, Fields, Finger, Foote, Freeman, Gaither, Garrison, Gash, Glenn, Godwin, Good, Greene, Griffin, Gudger, Hanner, Harrison, Haymore, Hicks, Hill, Hooker, Hughes, Hurley, Isler, Jessup, Jetton, Johnston, Jones, Kendall, King, Latta, Lloyd, Martin, McCalop, McCubbins, McIver, McNeill, McRae, Means, Mebane, Mendenhall, Mitchell, Mizell, Mock, Moffitt, Moore, Moring, Moseley, Munden, Newell, Norment, Oaksmith, Page, Parker, Parrott, Patton, Pinnix, Presson, Proffitt, Reid, Richardson, Scott, Shackelford, Sharpe, Smith of Anson, Spears, Staples, Staton, Stephenson, Stowe, Strong, Tate, Thompson of Beaufort, Thompson of Lincoln,

Thorne, Trivett, Walker of Richmond, Walker of Tyrrell, Ward, Wells, Whisnant, White, Whitley, Wood, Woodhouse and Young—104.

Nays-none.

And the bill without objection went to its third reading and passed, and was ordered to be engrossed and sent to the Senate.

Mr. Barnett and Mr. Walden were announced as detained at their rooms by sickness, and Mr. Mullen of Camden, was announced as detained at home by sickness.

Mr. Boyd moved to suspend the rules to take up

H. B. No. 170: A bill to protect the tax-payers of this State, and to amend chapter 97, Battle's Revisal, entitled "public printing," and on that motion demanded the yeas and nays.

The call was sustained, and the House refused to suspend the rules by the following vote.

The following gentlemen voted in the affirmative:

Messrs. Blythe, Boyd, Brewington, Bunn, Carter, Cary, Crews, Foote, Glenn, Godwin, Good, Harrison, Hill, Hughes, Jetton, Jones, Lloyd, Mizell, Moore, Munden, Newell, Oaksmith, Parker, Scott, Thorne, Trivett, Ward, Whisnant, White and Wood—30.

The following gentlemen voted in the negative:

Messrs. Anderson, Atwater, Barnhardt of Caldwell, Bernheardt of Rowan, Bennett, Bettis, Bizzell, Bryson, Candler, Davis of Haywood, Davis of Jackson, Dortch, Eatman, Erwin, Etheridge, Fields, Finger, Freeman, Gaither, Garrison, Greene, Griffin, Gudger, Hanner, Haymore, Holt, Hooker, Hurley, Isler, Jessup, Johnston, Kendall, Latta, Martin, McCalop, McIver, McNeill, McRae, Means, Mendenhall, Mitchell, Mock, Moffitt, Moring, Moseley, Norment, Page, Parrott, Patton, Pinnix, Presson, Proffitt, Reid, Shackelford, Sharpe, Smith of Anson, Spears, Staton, Stephenson, Stowe, Strong, Tate, Thomhson of Beaufort, Thompson of Lincoln, Walker of Rich-

mond, Walker of Tyrrell, Wells, Whitley, Wiley, Woodhouse and Young-71.

The calendar was taken up, and

H. B. No. 8: A bill to protect laborers, was put on its second reading.

Mr. Norment moved to lay the bill on the table, but withdrew the motion.

Mr. Shackelford renewed the motion to table, and it prevailed.

H. B. No. 323: A bill to define the powers of foreign trustees, was taken up and passed its several readings, and was ordered to be engrossed and sent to the Senate.

H. B. No. 360: A bill to protect the stock of Forsythe county, was taken up and passed its several readings, and was ordered to be engrossed and sent to the Senate.

Mr. Shackelford moved to suspend the rules and take up H. B. No. —, upon which motion Mr. Boyd called the yeas and nays.

The call was not sustained, and the motion to suspend the rules was then put and lost.

The calendar was resumed, and

H. B. No. 22: A bill to organize, discipline and equip the militia of North Carolina, was taken up on its second reading.

On motion of Mr. Mebane, the bill was passed over, and by order of the House, was directed to be printed, together with the amendments proposed by the committee.

H. B. No. 78: A bill explanatory of section 10, chapter 102, Battle's Revisal, was taken up on its second reading, but further present consideration was postponed, and the bill made special order for Thursday, February 4th, at 12 o'clock.

H. B. No. 129: A bill to economize in the matter of public printing, and to provide for the execution of the same by the State, was taken up, and, on motion of Mr. Glenn, was recommitted to the Judiciary Committee.

H. B. No. 400: A bill to protect magistrates and other per-

sons, was taken up and passed its several readings, and was ordered to be sent to the Senate without engrossment.

H. B. No. 160: A bill giving compensation to sheriffs for bringing convicts to the State prision, was put on its second reading, and after discussion, was, on motion of Mr. Means, laid on the table.

H. B. No. 197: A bill giving compensation to sheriffs for bringing convicts to the State prison, was taken up.

Mr. Stephenson offered an amendment which the Speaker ruled out of order.

The bill was then put on its second reading, and passed.

On its third reading, Mr. Munden offered an amendment, but withdrew it, and the bill passed its third reading, and was ordered to be engrossed.

On motion of Mr. Presson, the House adjourned until tomorrow at 11 A. M.

# FORTIETH DAY.

THURSDAY, January 28th, 1875.

The House met at 11 o'clock, Mr. Speaker Robinson in the chair.

Prayer by the Rev. Mr. Rich, of this city.

The Journal of yesterday was read and approved.

# INTRODUCTION OF PETITIONS.

By Mr. Smith, of Anson: A petition to prevent the sale of intoxicating liquors within six hundred yards of the depot at Wadesboro', on the Carolina Central Railway, which was referred, with the bill to be introduced, to the Committee on Propositions and Grievances.

#### REPORTS OF STANDING COMMITTEES.

Mr. Gudger, from the Committee on Propositions and Grievances, reported unfavorably on

H. B. No. 285: A bill to make Fishing creek, in Halifax, Nash and Edgecombe counties a lawful fence.

Mr. Staton, from the Committee on Cities, Towns, &c., reported favorably on

H. B. No. 291: A bill to change the dividing line between the counties of Craven and Pamlico; and on

H. B. No. 288: A bill to extend and define the limits of the town of Morganton.

The following bills, reported as correctly engrossed by Committee on Engrossed Bills, were transmitted to the Senate:

H. B. No. 420: A bill to be entitled an act to define the rights of counsel;

H. B. No. 197: A bill to give compensation to sheriffs for bringing convicts to the State prison;

H. B. No. 360: A bill to protect the stock of the citizens of Forsythe county;

H. B. No. 323: A bill to be entitled an act to define the powers of foreign trustees.

#### INTRODUCTION OF RESOLUTIONS.

The following resolutions were introduced, and remain on the calendar:

By Mr. Eatman: Resolution in favor of adjournment, and for other purposes.

By Mr. Barnhardt, of Caldwell: Resolution requesting Representatives in Congress to amend the Pension law.

By Mr. Moring: Resolution requiring the House of Representatives to meet each day at 10 o'clock, A. M.

By Mr. Davis, of Jackson: Resolution in favor of R. H. Cannon, Judge of the 12th Judicial District. Referred to the Committee on Propositions and Grievances.

By Mr. Staton: Resolution in favor of Louis Hilliard and Thomas J. Wilson. Referred to the Committee on Finance.

#### INTRODUCTION OF BILLS.

By Mr. Smith, of Anson: A bill to prevent the sale of liquor within six hundred yards of Wadesboro' depot, or station-house, on the Carolina Central Railway. Referred to the Committee on Propositions and Grievances.

By Mr. Moring: A bill explanatory of certain acts, and to enable parties holding bonds of the State, issued for internal improvements, under acts passed prior to the war, to sell the same. Referred to the Committee on Internal Improvements.

Mr. Boyd moved the reconsideration of the vote by which H. B. No. 213: A bill to exempt ministers of the gospel from work on roads, was laid on the table.

Mr. Means moved to lay that motion on the table, upon which Mr. Boyd demanded the yeas and nays. The call was sustained, and the motion to table prevailed by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Atwater, Bernheardt of Rowan, Bennett, Bizzell, Bryant, Davis of Haywood, Davis of Jackson, Dortch, Eatman, Erwin, Etheridge, Fields, Finger, Gash, Griffin, Hanner, Holt, Hooker, Isler, Jessup, Jetton, Johnston, Kendall, Latta, Martin, McCalop, McCubbins, McIver, McRae, Means, Mebane, Mock, Moring, Moseley, Page, Patton, Pinnix, Presson, Reid, Shackelford, Smith of Anson, Smith of Hyde, Spears, Staton, Stephenson, Stowe, Tate, Thompson of Beaufort, Thompson of Lincoln, Walker of Richmond, Wells, Whitley, Wiley and Woodhouse—55.

The following gentlemen voted in the negative:

Messrs. Barnett, Barnhardt of Caldwell, Bettis, Blythe, Boyd, Brewington, Bunn, Candler, Carson, Carter, Cary, Crews, Foote, Freeman, Gaither, Garrison, Glenn, Godwin, Good, Greene, Gudger, Harrison, Haymore, Hicks, Hill, Hughes, Hurley, Jones, King, Lloyd, McNeill, Mitchell, Mizell, Moffitt, Moore, Newell, Norment, Parker, Scott, Sharpe, Thorne, Trivett, Walden, Ward, Whisnant, White and Wood—47.

The calendar was taken up, and H. B. No. 269: A bill to allow the county commissioners of Rowan to subscribe to the capital stock of the Yadkin Railroad Company, was taken up and put on its third reading, and passed by the following vote, and was ordered to be engrossed and sent to the Senate:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Atwater, Barnett, Barnhardt of Caldwell, Bernheardt of Rowan, Bennett, Bettis, Bizzell, Blythe, Boyd, Brewington, Bryant, Bryson, Bunn, Carson, Carter, Cary, Crews, Davis of Haywood, Davis of Jackson, Dortch, Eatman, Elliott, Erwin, Etheridge, Fields, Finger, Foot, Freeman, Gaither, Garrison, Gash, Glenn, Godwin, Good, Greene, Griffin, Gudger, Hanner, Harrison, Haymore, Hicks, Hill, Holt, Hooker, Hughes, Hurley, Isler, Jessup, Jetton, Johnston, Jones, Kendall, King, Latta, Lloyd, Martin, McCalop, McCubbins, McIver, McNeill, McRae, Means, Mebane, Mitchell, Mock, Moffitt, Moring, Moseley Munden, Newell, Norment, Page, Parker, Patton, Pinnix, Presson, Profflitt, Reid, Richardson, Scott, Shackelford, Sharpe, Smith of Anson, Smith of Hyde, Spears, Staples, Staton, Stephenson, Stowe, Thompson of Beaufort, Thompson of Lincoln, Thorne, Trivett, Walden, Walker of Richmond, Ward, Wells, Whisnant, White, Wiley Wood and Woodhouse-102.

Nays-None.

Messrs. Mendenhall, Young and Parrott were announced as detained at their rooms by sickness.

Leave of absence was granted to Mr. Wood for one week after to-morrow, on account of important private business, and for the same reason, to Mr. Thompson, of Beaufort, for one day after to-morrow.

A message from the Senate was announced transmitting engrossed amendments to H. B. No. 277: A bill to provide for two additional terms of the Superior Court of the county of

Mecklenburg, and asking the concurrence of the House therein.

The question was put on concurrence and carried, and the bill was ordered to be enrolled for ratification.

The calendar was resumed.

The substitute for H. B. No. 261, being H. B. 423, on the calendar, a bill to amend section 15, chapter 156, laws of 1868-'69, as brought forward in Battlle's Revisal, chapter 64, section 15, was taken up on its second reading.

The question was put on the adoption of the substitute, and it was adopted.

Mr. Crews offered the following proviso:

"Provided, That this act shall not apply to the county of Granville."

The question was put on its adoption, and it was rejected.

Mr. Harrison submitted the following proviso, which was accepted:

"Provided, That provisions of this act shall not apply to tobacco, unless it is in a condition to be handled without injury to same at time such demand for division is made."

Mr. Cary sent forward the following amendment:

"And when the landlord refuses to divide at the request of the lessee or tenant, he shall be subject to the same pains and penalties as the tenant."

The question was put on the amendment, and it was rejected. The hour for the special order was announced, but its consideration was postponed until the bill under consideration was disposed of.

Mr. Lloyd sent forward the following amendment:

"Amend as follows: Provided, The landlord shall not demand the crop to divide, until the crop season is over."

Mr. Smith called the previous question, and the question was put upon the amendment, and it was lost; and the bill was put on its second reading, and passed.

Under a suspension of the rules, under a division called for,

the bill went to its third reading.

Mr. Smith, of Anson, demanded the previous question, which was sustained, and the main question was put, upon which Mr. Lloyd demanded the yeas and nays.

The call was not sustained, and the bill passed its third reading, and was ordered to be engrossed and sent to the Senate.

#### SPECIAL ORDER.

H. B. No. 259: A bill to repeal chapter 175, laws of 1871-'72, as brought forward in Battle's Revisal, chapter 111, sections 30 and 31, and to give jurisdiction to chief officers of cities and towns within their corporate limits, was taken up as the special order.

Mr. Walker, of Richmond, moved to amend by inserting after the word "person," and before the word "or," in the 6th line of section 4, the words "under oath;" which amendment was accepted.

Mr. Eatman moved to amend by striking out the 5th section.

The amendment did not prevail.

Mr. Crews offered a proviso, that the operations of bill should not extend to any incorporated town or village in the county of Granville.

Mr. Jones moved to lay the whole matter on the table, which motion prevailed.

A message was received from the Senate informing the House of the passage of

S. B. No. 348: A bill to amend the charter of the city of Newbern, and asking concurrence therein. The bill was referred to the Committee on Corporations.

A message was received from the Senate transmitting en-

grossed copies of the following Senate bills, and asking concurrence in the same:

S. B. No. 467: A bill to amend an act changing the dividing line between the counties of Granville and Franklin;

S. B. No. 300: A bill to incorporate the Albemarle and Roanoke Railroad Company;

S. B. No. 452: A bill to amend an act incorporating the Albemarle Steam Navigation Company;

S. B. No. 467 and 452, were placed on the calendar; and

S. B.'s No's. 300, was referred to the Committee on Corporations.

A message was received from the Senate transmitting an engrossed copy of

S. B. No. 192: A bill to create the county of Pender, and asking the concurrence of the House therein.

The bill was placed on the calendar, and made special order for Tuesday next.

On motion of Mr. McRae, the rules were suspended, and

S. B. No. 452: A bill to amend the act incorporating the Albemarle Steam Navigation Company, was taken up, passed its several readings, and was ordered to be enrolled for ratification.

On motion of Mr. Mitchell, the rules were suspended, and S. B. No. 467: A bill to amend the act changing the dividing line between the counties of Granville and Franklin, was taken up.

Mr. Boyd moved to refer the bill to the Judiciary Committee, which motion did not prevail. The bill then passed its second reading.

Mr. Mitchell moved to suspend the rules, and put the bill on its third reading.

On this motion, Mr. Boyd called for the yeas and nays.

The call being sustained, a ballot was had, and the motion of Mr. Mitchell prevailed by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Atwater, Barnhardt of Caldwell, Bern-

heardt of Rowan, Bennett, Bettis, Bryant, Bryson, Carson, Davis of Haywood, Davis of Jackson, Dortch, Eatman, Erwin, Etheridge, Fields, Finger, Freeman, Gaither, Garrison, Gash, Greene, Griffin, Gudger, Hanner, Harrison, Haymore, Holt, Hooker, Hurley, Isler, Jessup, Jetton, Johnston, Kendall, Latta, Martin, McCalop, McCubbins, McIver, McNeill, McRae, Means, Mebane, Mitchell, Mock, Moffitt, Moring, Moseley, Oaksmith, Page, Patton, Pinnix, Presson, Proffitt, Reid, Richardson, Scott, Shackelford, Sharpe, Smith of Anson, Smith of Hyde, Spears, Staples, Staton, Stephenson, Stowe, Strong, Tate, Thompson of Beaufort, Thompson of Lincoln, Walker of Richmond, Wheeler, Whitley, Wiley and Woodhouse—76.

The following gentlemen voted in the negative:

Messrs. Boyd, Brewington, Bunn, Candler, Carter, Cary, Crews, Foote, Glenn, Godwin, Good, Hill, Hughes, Jones, Lloyd, Mizell, Moore, Munden, Norment, Parker, Thorne, Ward, Whisnant, White and Wood—25.

Mr. Mitchell moved the previous question.

On this motion Mr. Lloyd demanded the yeas and nays, but the call was not sustained, and the previous question was ordered.

Mr. Hughes offered the following amendment, which was accepted:

"Provided, That the sheriff of Granville county shall be allowed to collect arrears of taxes due him by the citizens of the territory proposed to be severed from the county of Granville."

The bil, as amended, then passed its third reading, and a message was ordered to be sent to the Senate asking concurrence in the House amendment.

Mr. Means moved to reconsider the vote by which H. B. No. 259, the bill in reference to the jurisdiction of chief officers of cities and towns, was laid on the table.

Mr. Boyd moved to lay that motion on the table, which motion was rejected.

The motion to reconsider was then put to a vote and prevailed.

The question then recurred on the original motion to table, and the vote being taken the motion was rejected.

On motion of Mr. Means, the bill was re-committed to the Judiciary Committee.

On motion, the House adjourned until 11 o'clock, A. M., to morrow.

# FORTY-FIRST DAY.

FRIDAY, January 29th, 1875.

The House met at 11 o'clock, Mr. Speaker Robinson in the chair.

Prayer by the Rev. Mr. Mangum, of the city. The Journal of yesterday was read and approved.

# INTRODUCTION OF PETITIONS, &C.

By Mr. Shackelford: A petition from citizens of the county of New Hanover, praying the passage of an act prohibiting the sale of spirituous liquors within two miles of Topsail Chapel, in said county, which was referred with the bill to be introduced, to the Committee on Propositions and Grievances.

By Mr. Mebane: A petition from citizens of Forsythe county, which was referred to the Committee on the Judiciary.

By Mr. Staples: A memorial from citizens of Guilford county in regard to usury, which was placed on the calendar, and

By Mr. Candler: A petition to incorporate Sardis church,

in the county of Buncombe, which was referred to the Committee on Corporations.

#### REPORTS OF STANDING COMMITTEES.

Mr. McRae, from the Committee on the Judiciary, reported favorably on

S. B. No. 14, H. B. No. 190: A bill to give justices of the peace jurisdiction in proceedings in the nature of forcible entry and detainer;

H. B. No. 312: A bill to punish breaking into uninhabited houses with intent to commit a felony; and on

H. B. No. 303: A bill to define what interest in real estate may be sold under execution.

Mr. McIver, from the Committee on Cities, Towns, &c., reported on

H. B. No. 392: A bill to change the dividing line between the counties of Gaston and Lincoln, with an amendment, and with the adoption of the amendment, recommend the passage of the bill; and made the same report on

H. B. No. 297: A bill to amend the act to incorporate the town of Whitaker's, in the counties of Edgecombe and Nash.

Mr. Norment, from the Committee on Propositions and Grievances, reported on

H. B. No. 157: A bill to amend section 3, chapter 106, of public laws of 1873-'74, an act to repeal section 19, chapter 112, Battle's Revisal, and to amend such chapter, with an amendment, and with the adoption of the amendment, recommend the passage of the bill.

Mr. Walker, of Richmond, made a like report and recommendation on

S. B. No. 14, H. B No. 67: A bill to amend Battle's Revisal, chapter 33.

The following bills and amendments, reported as correctly engrossed by the Committee on Engrossed Bills, were transmitted to the Senate for concurrence.

H. B. No. 423: A bill to amend section 15, chapter 156,

laws of 1868-'69, as brought forward in Battle's Revisal, chapter 64, section 15;

H. B. No. 269: A bill to authorize the city of Greensboro to issue bonds;

S. B. No. 467, H. B. No. 428: Engrossed amendment to bill entitled an act to change the dividing lines between the counties of Granville and Franklin.

The following bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the Senate:

Resolution concerning the constitution;

An act to protect magistrates and other persons;

An act to allow the commissioners of Gaston county to levy a special tax.

#### INTRODUCTION OF BILLS.

By Mr. McRae: A bill to amend an act to amend section 199, Code of Civil Procedure.

By Mr. McRae: A bill to amend section 13, chapter 63, of Battle's Revisal.

By Mr. McRae: A bill concerning the allotment of dower.
All of which were referred to the Committee on the Judiciary.

By Mr. Shackelford: A bill to prohibit the sale of spirituous liquors within two miles of Topsail church, in the county of New Hanover, which was referred to the Committee on Propositions and Grievances.

By Mr. King: A bill to amend an act entitled an act to amend the charter of the Cheoah Turnpike Company.

By Mr. Eatman: A bill to amend chapter 69, private laws of 1872-'73; both of which were referred to the Committee on Corporations.

By Mr. Godwin: A bill to repeal sub-section 17, section 25, chapter 105, of Battle's Revisal, and for other purposes, which was referred to the Committee on Cities, Towns, &c.

Messrs. Barnett, Whisnant and Walker, of Tyrrell, were announced as detained at their rooms by sickness.

Leave of absence was granted to Mr. Walden until Monday next, and to Mr. Mitchell to the same day, on account of important private business.

Under a suspension of the rules,

H. R. No. 135: Resolution to fix the time of the meeting of this House at 10 A. M., was taken up and adopted.

The calendar was taken up, and

H. R. No. 18: Resolution asking our Representatives in Congress to use their influence to have a law passed establishing a uniform rate of interest.

Mr. Woodhouse moved to lay on the table, and the motion was rejected.

Mr. Richardson offered an amendment, that a provision should be inserted in the law sought to be passed that National Banks should be prohibited from paying interest on deposits, which was accepted by the introducer of the resolution, Mr Norment.

The question then recurred on the adoption of the resolution, when

The special order, H. B. No. 188: A bill in favor of the contractors on the Marion and Asheville Turnpike, was announced by the Speaker.

On motion, the special order was postponed until the matter under consideration was disposed of.

The consideration of the resolution in regard to a uniform rate of interest was resumed.

Mr. Staples offered the following substitute, which was accepted by the introducer of the original resolution:

Resolved by the General Assembly, That our Senators and Representatives in Congress be respectfully requested to urge upon Congress the necessity of passing an act restricting the rate of interest in the National Banks at 6 per cent.

Resolved, That a copy of this resolution be transmitted to each of our Senators and Representatives in Congress.

The question then recurred upon the resolution as substituted.

Mr. Staples demanded the previous question, but the Speaker ruled that he had no right to make the call.

Mr. Means moved to indefinitely postpone the whole matter, and upon that motion called the previous question, and the call was sustained.

Upon the motion to postpone, Mr. Means called the yeas and nays, and the call being sustained, the motion prevailed by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Atwater, Barnhardt of Caldwell, Bernheardt of Rowan, Bennett, Bryant, Bryson, Davis of Haywood, Davis of Jackson, Dortch, Eatman, Erwin, Etheridge, Fields, Finger, Freeman, Gash, Greene, Griffin, Gudger, Hanner, Haymore, Holt, Hooker, Hurley, Isler, Jessup, Jetton, Johnston, Kendall, King, Latta, Martin, McCalop, McIver, McRae, Means, Mitchell, Mock, Moring, Moseley, Mullen, Munden, Oaksmith, Page, Parrott, Pinnix, Presson, Proffitt, Reid, Smith of Anson, Smith of Hyde, Spears, Staton, Stephenson, Strong, Thompson of Beaufort, Thompson of Lincoln, Trivett, Wells, Whitley, Woodhouse and Young—63.

The following gentlemen voted in the negative:

Messrs. Bettis, Bizzell, Blythe, Boyd, Brewington, Bunn, Candler, Carson, Carter, Cary, Crews, Elliott, Foote, Gaither, Garrison, Glenn, Godwin, Good, Harrison, Hill, Hughes, Jones, Lloyd, McCubbins, McNeill, Mebane, Mizell, Moffitt, Moore, Newell, Norment, Parker, Patton, Richardson, Scott, Shackelford, Sharpe, Staples, Thorne, Walker of Richmond, Ward, Wheeler and White—43.

Mr. Means moved to reconsider the vote by which the resolution was indefinitely postponed, and to lay that motion on the table, which motion prevailed.

Leave of absence was granted to Mr. Moseley until next Tuesday, on account of important private business.

A message was received from the Senate informing the House that the Senate had adopted S. R. No. 466: A resolution to allow the Joint Committee on State Railroads to employ elerical assistance, and asking the concurrence of the House therein. The resolution was placed on the calendar.

On motion, S. R. No. 466, wast aken up, under a suspension of the rules, and adopted.

The special order, H. B. No. 188: A bill in favor of the contractors and employees on the Marion and Asheville Turnpike, was next taken up.

Mr. Moring moved to indefinitely postpone, but afterwards withdrew it in order to allow Mr. Gudger to offer an amendment.

Mr. Gudger moved to amend as follows: After the word "paid" in line 10, insert "the original parties."

Mr. Moring renewed his motion to indefinitely postpone.

Pending any definite action, the House adjourned until tomorrow at 10 A. M.

Path T odding Houth who known to filed the amount of the late.

# FORTY-SECOND DAY.

SATURDAY, January 30th, 1875.

The House met at 11 o'clock, Mr. Speaker Robinson in the chair.

The Journal of yesterday was read and approved.

# INTRODUCTION OF PETITIONS.

By Mr. Bennett: A petition from citizens of Brunswick county asking for a repeal of the prohibitory law at Summer-

ville, in said county, which, with the bill to be introduced, was referred to the Committee on Propositions and Grievances.

#### INTRODUCTION OF RESOLUTIONS.

By Mr. Blythe: A resolution in regard to the conduct of the business of the House, which was placed on the calendar.

By Mr. Munden: A resolution concerning the Albemarle and Chesapeake Canal Company, which was placed on the calendar.

#### INTRODUCTION OF BILLS.

By Mr. Oaksmith: A bill to revive the Board of Internal Improvement.

By Mr. Mebane: A bill in relation to the meadows of Rock ingham county; both of which were referred to the Committee on the Judiciary.

By Mr. Bennett: A bill to repeal a certain part of chapter 138, laws of 1873-'74, which was referred to the Committee on Propositions and Grievances.

By Mr. Barrett: A bill to incorporate the Roanoke Valley Railroad; and

By Mr. McRae: A bill to incorporate the Fayetteville and Goldsboro Railroad Company; both of which were referred to the Committee on Internal Improvements.

#### UNFINISHED BUSINESS.

The unfinished business of yesterday, being H. B. No. 188 A bill in favor of the contractors and employees of the Marion and Asheville Turnpike, was taken up.

The question was on the motion to indefinitely postpone, and it was put and lost.

Mr. Tate sent forward the following amendment:

"Provided, That the claim of Mr. L. Banner, for the completion of his section, be also paid."

The amendment was accepted, and the bill was put on its second reading, and passed, and was put on its third reading.

Mr. Staples sent forward the following amendment:

Provided, That all claims which have been audited and upon which the proper warrants have been issued, and which were not paid out of the last appropriation, be included in this appropriation; and such claims shall be placed upon the same footing with those claims heretofore paid."

The amendment was accepted.

Mr. Hanner called the yeas and nays, and the bill passed by the following vote, and was ordered to be engrossed and sent to the Senate:

The following gentlemen voted in the affirmative:

Messrs. Barnett, Barnhardt of Caldwell, Bennett, Bizzell, Blythe, Brewington, Bunn, Candler, Carson, Cary, Crews, Davis of Haywood, Erwin, Fields, Foote, Freeman, Gaither, Garrison, Gash, Glenn, Godwin, Good, Greene, Gudger, Hicks, Hill, Holt, Hughes, Jones, Lloyd, McNeill, Means, Moore, Newell, Norment, Oaksmith, Patton, Presson, Proffitt, Shackelford, Smith of Anson, Spears, Staples, Tate, Thompson of Lincoln, Thorne, Trivett, Walker of Richmond, Wells, Whisnant, White, Wiley and Young—53.

The following gentlemen voted in the negative:

Messrs. Anderson, Atwater, Bernheardt of Rowan, Bettis, Bryson, Davis of Jackson, Eatman, Elliott, Etheridge, Griffin, Hanner, Harrison, Haymore, Hooker, Hurley, Isler, Jessup, Jetton, Johnston, Kendall, Latta, Martin, McCalop, McCubbins, McIver, McRae, Mebane, Mizell, Mock, Moffitt, Mullen, Munden, Page, Parker, Parrott, Pinnix, Reid, Richardson, Sharpe, Smith of Hyde, Staton, Stephenson, Ward, Whitley and Woodhouse—45.

Mr. Gudger moved that the vote by which the bill passed its third reading be re-considered, and that that motion be laid on the table, and the motion to table prevailed. Yeas 53, nays 45.

The following bills, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the Senate:

An act to amend sections 2 and 3 of an act ratified March 6th, 1866, entitled an act to incorporate the Albemarle Steam Navigation Company;

An act to provide for two additional terms of the Superior Court of Mecklenburg county.

Leave of absence was granted to Mr. Moring from and after to-day until —, on account of important private business; to

Mr. Young from and after Monday, indefinitely on account of sickness; and to

Mr. Holt for one day on account of business.

The resolution calendar was taken up.

H. R. No. 68: A resolution asking Congress for the repeal of the tax clause in the National Bank law, was, on motion, laid on the table.

H. R. No. 70: Resolution in relation to Public Buildings and Grounds, was adopted.

H. R. No. 75; Resolution asking Congress for the repeal of the tax on brandy made from fruit, was rejected.

H. R. No. 84: Resolution of instruction to the Judiciary Committee in regard to the appointment of commissioners to complete the boundary line between this State and Virginia, was rejected.

H. R. No. 101: Resolution of inquiry touching the W. N. C. R. R., was considered and ordered to be referred to the Joint Committee on State Railroads.

H. R. No. 104: Resolution concerning Joint Select Committee on Louisiana Affairs, was laid on the table.

H. R. No. 108: Resolution on Constitutional Reform; and H. R. No. 110: Resolution in regard to the use of banks in

transmitting taxes to the treasury, were passed over on account of the absence of the introducer, Mr. Mendenhall, detained at his room by sickness.

H. R. No. 113: Resolution in favor of Nat. Atkinson, was passed, and ordered to be engrossed and sent to the Senate.

H. R. No. 114: Joint resolution of instruction to the Joint Committee in regard to costs of purchase of construction railroad bonds, was taken up and passed, and was ordered to be engrossed.

H. R. No. 118: To pay Principal Clerks of the Houses for preparing printed calendar, was passed, and was ordered to be engrossed.

H. R. No. 120: A resolution in favor of fish culture by the State, was ordered to be referred to the Committee on Propositions and Grievances.

H. R. No. 121: A resolution of instruction to the Judiciary Committee in regard to the registration of chattel mortgages, was adopted.

H. R. No. 122: A resolution of instruction to the Finance Committee in regard to listing real estate for taxation, was adopted.

H. R. No. 123: A resolution in regard to the Carolina Central Railway Company, was considered.

Mr. McRae moved to lay the resolution on the table, and on that motion Mr. Norment demanded the yeas and nays.

The call was sustained, and the resolution was tabled by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Atwater, Barnett, Barnhardt of Caldwell, Bernheardt of Rowan, Bennett, Bettis, Bryant, Bryson, Candler, Davis of Haywood, Davis of Jackson, Eatman, Erwin, Etheridge, Fields, Finger, Foote, Freeman, Gaither, Garrison, Gash, Greene, Griffin, Gudger, Hanner, Harrison, Haymore, Hill, Holt, Hooker, Hughes, Hurley, Isler, Jetton, Johnston, Kendall, Latta, Martin, McCalop, McCubbins, McIver, McNeill, McRae, Means, Mebane, Mock, Moffitt, Mullen, Mun-

den, Newell, Page, Parker, Parrott, Patton, Pinnix, Presson, Proffitt, Reid, Richardson, Shackelford, Sharpe, Smith of Anson, Smith of Hyde, Spears, Staples, Staton, Stephenson, Stowe, Strong, Tate, Thompson of Lincoln, Trivett, Walker, of Richmond, Walker of Tyrrell, Ward, Wells, Whisnant, Whitley, Wiley, Woodhouse and Young—82.

The following gentlemen voted in the negative:

Messrs. Blythe, Brewington, Bunn, Carter, Cary, Crews, Glenn, Godwin, Good, Hicks, Jones, Lloyd, Moore, Norment, Thorne and White—16.

H. R. No. 124: Resolution in regard to the Insane Asylum, was, on motion of Mr. McRae, referred to the Joint Select Committee on the Insane Asylum, with instructions to report back within one week.

H. R. No. 125: Resolution of instruction to our Senators and Representatives in Congress, was adopted and ordered to be engrossed.

H. R. No. 133: Resolution in favor of adjournment, and for other purposes, was rejected.

H. R. No. 134: Resolution requesting our Representatives in Congress to amend the pension law.

Mr. Freeman offered the following amendment:

"Resolved further, That our Representatives and Senators are requested to use their influence for the passage of an act allowing pensions to the soldiers of the Mexican war."

The amendment was accepted, and the resolution, as amended, was adopted and ordered to be engrossed.

#### CALENDAR OF SENATE RESOLUTIONS.

S. R. No. 362, H. R. No. 127: Resolution concerning a custom house and other necessary improvements in the city of Newbern, was adopted and ordered to be enrolled for ratification.

S. R. No. 412, H. R. No. 128: Resolution in regard to Louisiana affairs, was tabled.

### CALENDAR OF HOUSE BILLS ON SECOND READING.

H. B. No. 22: A bill to organize, equip, &c., the militia of the State, was taken up and postponed until Wednesday next.

H. B. No. 145: A bill in relation to judges and commissioners, was taken up.

The substitute reported by the committee, to whom the bill was referred, was adopted, and the bill passed its several readings, and was ordered to be engrossed and sent to the Senate.

- H. B. No. 157: A bill to amend section 3, chapter 106, laws of 1873-'74, entitled an act to repeal section 19, chapter 112, Battle's Revisal, and to amend said chapter, was taken up, and, on motion of Mr. Staples, was laid on the table.
- H. B. No. 167: A bill to amend section 31, chapter 105, Battle's Revisal, entitled Salaries and Fees, was taken up, and, on motion of Mr. Walker, of Richmond, laid on the table.
- H. B. No. 170: A bill to protect the tax payers of this State and to amend chapter 97, Battle's Revisal, entitled Public Printing, was passed over informally.
- H. B. No. 176: A bill to amend chapter 14, private laws of 1869-'70, and punish gambling, was taken up, and, on motion, recommitted to the Judiciary Committee.
- H. B. No. 178: A bill to reduce the bond of the Superior Court Clerk and Sheriff of Alleghany county, was taken up.
- Mr. Davis, of Jackson, moved to amend by extending the operations of the bill to Jackson county.
  - Mr. Munden moved to amend by inserting Pasquotank.
  - Mr. Young moved to amend by inserting Mitchell county. The amendment of Mr. Davis, of Jackson, was accepted.
- Mr. Munden's amendment was put to a vote and lost for the want of a quorum voting.
  - Mr. Young's amendment failed for a like cause.

Mr. Finger moved to re-commit the whole matter to the Judiciary Committee.

Messrs. Gudger, Latta, Gash, King and Lloyd offered amendments to the bill in relation to their respective counties; when,

On motion of Mr. Gudger, the whole matter was laid on the table.

H. B. No. 186: A bill to amend chapter 137, laws of 1873-'74, was taken up, and passed its several readings, and was ordered to be engrossed and sent to the Senate.

H. B. No. 187: A bill concerning the jurisdiction of justices of the peace, was taken up and, on motion, laid on the table.

H. B. No. 194: A bill to amend section 17, chapter 112, Battle's Revisal, was taken up and, on motion, laid on the table.

A message was received from the Senate informing the House of the passage of the following bills and resolutions, and asking concurrence therein:

S. B. No. 450: A bill to prevent obstructions to the passage of fish up Albemarle sound and the rivers emptying into it;

S. R. No. 472: A resolution to authorize the Joint Select Committee to examine the coupons in Treasurer's office, to cancel, burn and destroy said bonds;

S. B. No. 420: A bill to revive and continue in force an act appointing trustees for the Haywood Academy, in Chatham county;

S. B. No. 143: A bill to incorporate the Yadkin River and Wilkesboro' Navigation Company;

S. B. No. 389: A bill to allow a mortgage deposit in courts of the State; and

S. B. No. 194: A bill to appoint public guardians.

S. B.'s No's. 450, 472, 389 and 420 were placed on the calendar.

S. B. No. 143, was referred to the Committee on Corporations; and No. 194, to the Judiciary Committee.

The House calendar was resumed, and H. B. No. 196: A

bill to amend section 5, chapter 138, laws of 1873-'74, was taken up and passed its several readings.

H. B. No. 201: A bill to amend section 150, chapter 32, Battle's Revisal, was taken up and passed its several readings.

H. B. No. 203: A bill to amend section 1, chapter 48, Battle's Revisal, was taken up, and, on motion, laid on the table.

H. B. No. 207: A bill to amend sub-section 2 of section 35, chapter 193, laws of 1871-'72, as brought forward in Battle's Revisal, sub-section 2, section 4, chapter 37, was taken up, and, on motion of Mr. Glenn, postponed until Monday next.

H. B. No. 209: A bill in relation to costs in civil and criminal actions, was taken up, and, on motion, laid on the table.

H. B. No. 211: A bill to amend section 35, chapter 68, Battle's Revisal, was taken up, and, on motion, laid on the table.

H. B. No. 221: A bill in relation to the Western North Carolina Railroad, (a substitute for H. B. No. 161,) was takenup, and made special order for Monday at 11 A. M.

On motion, the rules were suspended, and S. B. No. 450: A bill to prevent obstruction to the passage of fish up Albemarle sound, and the rivers emptying into it, was taken up.

Mr. Wiley moved to amend section 2, by inserting after the word "ground" the words "north side of said sound."

The amendment was adopted, and the bill passed its several readings, and was ordered to be sent to the Senate for concurrence in the amendment.

Mr. Gudger moved to reconsider the vote by which the House adopted the resolution to meet each day at 10 A. M.

Mr. Davis, of Haywood, called for the yeas and nays.

Mr. Hanner moved to lay the motion to reconsider on the table, and on his motion called for the yeas and nays. The call was sustained, and the motion to reconsider was tabled by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Atwater, Barnett, Barnhardt of Caldwell, Bernheardt of Rowan, Bennett, Bettis, Bizzell, Blythe, Brewington, Bryant, Bryson, Bunn, Carter, Crews, Davis of Haywood, Davis of Jackson, Eatman, Elliott, Etheridge, Finger, Freeman, Gaither, Garrison, Glenn, Greene, Griffin, Gudger, Hanner, Harrison, Haymore, Hicks, Holt, Hooker, Hughes, Hurley, Isler, Jessup, Jetton, Johnston, Kendall, King, Latta, Martin, McCubbins, McIver, McNeill, Mebane, Mizell, Mock, Moffitt, Moore, Mullen, Munden, Oaksmith, Page, Parker, Patton, Pinnix, Presson, Proffitt, Reid, Richardson, Sharpe, Smith of Anson, Spears, Staton, Stepenson, Stowe, Strong, Tate, Thompson of Lincoln, Walker of Richmond, Walker of Tyrrell, Whisnant, Whitley, Wiley, Woodhouse and Young—79.

The following gentlemen voted in the negative:

Messrs. Candler, Cary, Erwin, Fields, Foote, Godwin, Good, Hill, Jones, Lloyd, McRae, Means, Norment, Parrott, Shackelford, Smith of Hyde, Thorne, Trivett, Ward and White—20.

A message was received from the Senate informing the House of the passage of S. B. No. 441: A bill to amend the charter of the city of Wilmington, and asking the concurrence of the House therein. The bill was placed on the calendar.

On motion of Mr. Strong, the rules were suspended, and H. B. No. 347: A bill concerning the city of Raleigh, was taken up.

The amendment reported by the Committee on Corporations, was accepted by the introducer of the bill, Mr. Strong.

Mr. Richardson offered several amendments to the bill, all of which were accepted, and became a part of the bill.

Mr. Norment moved to amend line 11, section 8, by striking out the words "ballots shall be on white paper and without device," which amendment was rejected.

Mr. Lloyd moved to amend by inserting a provision in the bill that the proposed changes should be ratified by the qualified voters of the city before they went into effect, which amendment was rejected.

Mr. Lloyd gave notice of his intention to explain his vote when his name was called.

On the call of Mr. Strong, the previous question was ordered.

The question recurred upon the bill on its second reading.

Mr. Jones called for the yeas and nays, but the call was not sustained, and the bill passed its second reading.

On motion of Mr. Strong, the rules were suspended, and the bill came up on its third reading.

Mr. Strong called the previous question.

Mr. Jones called for the yeas and nays.

The call for the yeas and nays was refused, and the previous question was ordered.

On the final passage of the bill, Mr. Lloyd demanded the yeas and nays, but the call was refused, and the bill passed its third reading.

Mr. Strong moved to reconsider the vote by which the bill passed its third reading, and moved to lay that motion on the table, and the motion to table prevailed.

On motion, the House adjourned until Monday at 10 o'clock, A. M.

# FORTY-THIRD DAY.

Monday, February 1st, 1875.

At 10 A. M., Mr. Speaker Robinson called the House to order.

The Journal of Saturday was read and approved.

# PETITIONS, &C.

Mr. Norment presented a petition from certain citizens of Robeson county, praying an amendment of the act incorporating Ash Pole Baptist church; also one asking the passage of an act prohibiting the sale of spirituous liquor within three miles of New Hope church, Robeson county.

By Mr. Young: A petition from citizens of Mitchell county, asking the prohibition of the sale of spirituous liquors in certain localities.

By Mr. Griffin: A petition from citizens of Nash county, asking the passage of an act to prohibit the sale of spirituous liquors within two miles of Mount Pleasant church.

By Mr. Davis, of Jackson: A petition to prohibit the sale of spirituous liquors near certain churches and school houses in Jackson county.

By Mr. Shackelford: A petition from certain citizens of New Hanover county, praying the passage of an act to prohibit the sale of spirituous liquors within two miles of Prospect church, in said county.

A petition addressed to the Speaker from J. H. Wheeler in reference to compensation for the preparation of the N. C. Manual, was read.

All of the foregoing petitions were referred to the Committee on Propositions and Grievances.

By Mr. Fields: A petition from citizens of Alleghany county, asking a passage of an act incorporating Antioch Church and Camp Grounds. The petition was referred to the Committee on Corporations.

By Mr. Greene: A petition from citizens of Watauga and Caldwell counties, for a public road from the Caldwell and Watauga Turnpike, Watauga county, to the Globe church, Caldwell county. Referred to the Committee on Railroads, Post Roads and Turnpikes.

# REPORTS FROM STANDING COMMITTEES.

Mr. Richardson from the Committee on Corporations reported favorably on

S. B. No. 441, H. B. No. 446: A bill to amend the charter of the city of Wilmington;

S. B. No. 348, H. B. No. 425: A bill to amend the charter of the city of Newbern; and upon

H. B. No. 434: A bill to amend chapter 69, private laws of 1872-73, recommending the adoption of an accompanying substitute therefor; also upon

S. B. No. 389, H. B. No. 442: A bill to allow a mortgage deposit in the courts of the State.

Mr. Carson from the same Committee reported favorably on

S. B. No. 143, H. B. No. 443: A bill to incorporate the Yadkin River and Wilkesboro Navigation Company.

Mr. Tate from the Committee on Finance, reported favorably on

H. B. No. 408: A bill to allow the Commissioners of Bladen county to levy a special tax, and unfavorably on

S. B. No. 124, H. B. No. 164: A bill in favor of W. H. Sykes, of Bladen county.

Mr. Woodhouse, from the Committee on Railroads, Post Roads and Turnpikes, reported favorably on

H. B. No. 355: A bill to lay out and construct a public road from the Virginia line to the top of the Blue Ridge, in Alleghany county.

The following bills, resolutions and amendments, reported as correctly engrossed by Committee on Engrossed Bills, were transmitted to the Senate for concurrence:

H. B. No. 188: A bill to be entitled an act in favor of the contractors and employees of the Marion and Asheville Turnpike;

H. B. No. 440: A bill to be entitled an act to relieve the counties of the State from the payment of the costs and expenses of criminal prosecutions;

H. B. No. 196: A bill to amend section 5, chapter 138, laws of 1873-'74;

H. R. No. 125: A resolution of instruction to our Senators and Representatives in Congress;

H. B. No. 201: A bill to be entitled an act to amend section 150, chapter 32, Battle's Revisal;

H. R. No. 113: A resolution in favor of Nat. Atkinson, of Buncombe county;

H. R. No. 126: Joint resolution as to vacant lots in the city of Raleigh belonging to the State;

H. R. No. 118: A resolution to pay the principal clerks for preparing printed calendar;

H. B. No. 186: A bill to amend chapter 137, of the laws of 1873-'74;

H. R. No. 114: Joint resolution requesting Joint Committee on Public Debt to ascertain at what price the construction railroad bonds, issued by the State, can be foreclosed or taken up, &c.

H. R. 134: A resolution requesting our Representatives in Congress to amend the pension law.

#### INTRODUCTION OF RESOLUTIONS.

By Mr. Richardson: Resolution in favor of George Johnston, General Agent of St. Louis Life Insurance Company, of Missouri. Referred to the Committee on Finance.

By Mr. Shackelford: Resolution to authorize the Engrossing Clerk to employ additional aid. Placed on the calendar.

By Mr. Trivett: Resolution on adjournment. Placed on the calendar.

By Mr. Mullen: Resolution in favor of the Dismal Swamp Canal. Placed on the calendar.

#### INTRODUCTION OF BILLS.

By Mr. Barnett: A bill to incorporate the Norfolk and Greensboro' Railroad Company. Referred to the Committee on Internal Improvements.

The following bills were introduced and referred to the Committee on Propositions and Grievances:

By Mr. Griffin: A bill to prevent the sale of intoxicating

liquors within two miles of Mount Pleasant church, Nash county.

By Mr. Shackelford: A bill to prevent the sale of spirituous liquors within two miles of Prospect church, New Hanover county.

By Mr. Greene: A bill to lay out and construct a public road through the counties of Watauga and Caldwell. Referred to the Committee on Railroads, Post Roads and Turnpikes.

The following were introduced and referred to the Committee on Corporations:

By Mr. Fields: A bill concerning Antioch Camp Ground, Alleghany county, and to incorporate a board of trustees therefor.

By Mr. Strong: A bill to incorporate the Shaw University. By Mr. Strong, (by request) a bill concerning certain Judges. Referred to the Committee on the Judiciary.

A message was received from the Senate informing the House of the passage of S. B. No. 393: A bill to change the times of holding the Superior Courts in the counties of Hyde and Dare, and asking the concurrence of the House therein. The bill was referred to the Judiciary Committee.

On motion of Mr. Walker, of Tyrrell, the vote by which S. B. No. 450, H. B. No. 445: A bill to prevent obstructions to the passage of fish up Albemarle sound, &c., passed its third reading, was reconsidered.

The question recurred on the passage of the bill on its third reading; when,

On motion of Mr. Walker, of Tyrrell, the farther consideration of the matter was postponed until to-morrow.

Mr. Wheeler was announced as being confined to his room by severe indisposition, and was granted an indefinite leave of absence.

Mr. White was granted leave of absence until Friday.

## FIRST SPECIAL ORDER.

H. B. No. 207: A bill to amend sub-section 2, of section

35, chapter 193, laws of 1871-'72, as brought forward in Battle's Revisal, sub-section 2, of section 4, chapter 37, being special order for this hour, (11 A. M.,) it was taken up for consideration.

On motion of McRae, the bill was re-committed to the Judiciary Committee.

S. R. No. 472, H. R. No. 137: A resolution to authorize the Joint Select Committee to examine coupons in Treasurer's office, to cancel or destroy said bonds, was taken up and adopted, and ordered to be enrolled for ratification.

## CALENDAR.

H. B. No. 228: A bill for the protection of birds, was taken up.

The question recurred upon the substitute proposed by the Committee on Propositions and Grievances, when the matter was passed over informally.

H. B. No. 230: A bill to amend section 39, chapter 105, Battle's Revisal, was taken up.

The amendments reported by the Judiciary Committee were adopted, and the bill passed its several readings, and was ordered to be engrossed and sent to the Senate for concurrence.

H. B. No. 231: A bill to amend chapter 7, section 1, Battle's Revisal, was taken up, and, on motion of Mr. McRae, laid on the table.

## THE SECOND SPECIAL ORDER.

H. B. No. 221, a substitute for H. B. No. 161: A bill in relation to the Western North Carolina Railroad, being the special order for the hour, (12 M.,) it was taken up for considration.

Mr. Oaksmith moved to refer the bill to the Joint Select Committee on State Railroads. On motion of Mr. McRae, the further consideration of the matter was postponed until Monday, February 8th, at 12 M. The calendar was resumed, and

H. B. No. 233: A bill to compensate Dr. G. W. Graham for services at the Institution for the Deaf, Dumb and Blind, was taken up, and, on motion of Mr. Finger, was laid on the

table.

H. B. No. 241: A bill to amend sections 21, 22 and 23 chapter 117, Battle's Revisal, was taken up.

The question recurred upon the substitute reported by the Judiciary Committee, and it was adopted, and the bill passed its several readings as H. B. No. 453, and was ordered to be engrossed and sent to the Senate for concurrence.

On motion of Mr. Walker, of Richmond, the rules were suspended, and

S. B. No. 441, H. B. No. 446: A bill to amend the charter of the city of Wilmington, was taken up.

Mr. Lloyd moved to amend by striking out the words "90 days," and insert in lieu thereof the words "one month in this county."

Mr. Moore offered a proviso, submitting the proposed amendments to the charter to the qualified voters of the city.

Mr. Moore also gave notice of another amendment.

On the call of Mr. Richardson, the previous question was ordered.

The question recurred on Mr. Lloyd's amendment.

On the call of Mr. Barnett, a ballot was had, and the amendment was rejected by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Barnett, Blythe, Boyd, Brewington, Bunn, Carter, Cary, Crews, Glenn, Godwin, Good, Hill, Hughes, Jones, Lloyd, Mizell, Moore, Munden, Newell, Norment, Parker, Thorne, Trivett, Ward, Whisnant and White—26.

The following gentlemen voted in the negative:

Messrs. Anderson, Atwater, Barnhardt of Caldwell, Bern-

heardt of Rowan, Bennett, Bettis, Bizzell, Bryant, Bryson, Candler, Carson, Davis of Haywood, Davis of Jackson, Dortch, Eatman, Erwin, Etheridge, Fields, Finger, Gaither, Gash, Greene, Griffin, Gudger, Hanner, Haymore, Hooker, Hurley, Isler, Jessup, Johnston, Kendall, Latta, Martin, McCalop, McCubbins, McIver, McNeill, McRae, Means, Mebane, Mendenhall, Mock, Moffitt, Mullen, Page, Patton, Pinnix, Presson, Proffitt, Reid, Richardson, Sackelford, Sharpe, Smith of Anson, Smith of Hyde, Spears, Staples, Staton, Stephenson, Strong, Tate, Thompson of Beaufort, Thompson of Lincoln, Walker of Richmond, Walker of Tyrrell, Wells and Woodhouse—68.

The question then recurred on the first amendment of Mr. Moore, when Mr. Boyd called for the yeas and nays.

The call was sustained, and the amendment was rejected by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Barnett, Blythe, Boyd, Brewington, Bunn, Candler, Carson, Carter, Cary, Crews, Elliott, Foote, Garrison, Glenn, Godwin, Good, Hill, Hughes, Jones, Lloyd, McNeill, Mendenhall, Mizell, Moore, Munden, Newell, Norment, Parker, Thorne, Trivett, Ward, Whisnant and White—33.

The following gentlemen voted in the negative:

Messrs. Anderson, Atwater, Barnhardt of Caldwell, Bernheardt of Rowan, Bennett, Bettis, Bizzell, Bryant, Davis of Hay wood, Davis of Jackson, Dortch, Eatman, Erwin, Etheridge Fields, Finger, Freeman, Gaither, Gash, Greene, Griffin, Gudger, Hanner, Haymore, Hurley, Isler, Jessup, Johnston, Kendall, Latta, Martin, McCalop, McCubbins, McIver, McRae, Means, Mebane, Mock, Moffitt, Mullen, Page, Patton, Pinnix, Presson, Reid, Richardson, Shackelford, Sharpe, Smith of Anson, Smith of Hyde, Spears, Staples, Staton, Stephenson, Stowe, Strong, Tate, Thompson of Beaufort, Thompson of Lincoln, Walker of Richmond, Walker of Tyrrell, Wells, Wiley and Woodhouse—64.

The question was next taken on the following amendment

of Mr. Moore's, of which notice had been given before the ordering of the previous question:

"Strike out all after the enacting clause and insert:

- 1. The charter of the city of Wilmington be, and the same is hereby amended as follows, viz: The government of said city shall be hereafter vested in two separate bodies to be known as the "Aldermen and Select Council of Wilmington, each of which shall have the powers heretofore conferred by law on the Aldermen of the said city alone.
- 2. The Mayor and all other officers and police shall be elected by the Aldermen and Select Council, in joint assembly in the same manner as is now directed by law to be done by the Aldermen alone, the Mayor to be a member of either body, and he shall thereafter preside at all such joint sessions in the same manner as now directed at meetings of the Aldermen alone. The Aldermen shall be elected by the qualified voters of each ward as now constituted by law. Each ward shall be entitled to two Aldermen as now, and every voter shall be entitled to vote for two Aldermen for such ward, and no other and no more.
- 3. The select council shall be elected as follows, viz: Immediately after the ratification of this act, the mayor and aldermen of the city of Wilmington shall lay off the territory of that city into five districts as equal as may be, upon the basis of the taxes now paid into the city treasury, for each of which districts the qualified voters shall elect some resident of such district a member of the select council, at the same time the aldermen are elected for the same term.
- 4. Each board shall sit and deliberate under its own chairman except when convoked by the mayor in joint session to elect the city officers required by existing laws, and no ordinance hereafter passed shall be law unless it has passed both branches. The same shall then be submitted to the mayor, who, if he approves the ordinance, shall sign the same. If the mayor dis-

approves the proposed ordinance, he shall immediately convoke the joint assembly, and state his objections. If the aldermen shall then pass it by a majority of two-thirds of the joint assembly, or if the mayor shall not object and act in ten days after the original passage, the said ordinance shall be law without his approval.

5. All laws and clauses of laws inconsistent with this act, be and the same are hereby repealed, and this act shall be in force and take effect from and after its ratification."

The amendment was put to a vote and rejected.

The question recurred on the bill on its second reading.

Mr. Boyd called for the yeas and nays, and the call being sustained, the bill passed by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Atwater, Barnhardt of Caldwell, Bernheardt of Rowan, Bennett, Bettis, Bizzell, Bryant, Bryson, Carson, Davis of Haywood, Davis of Jackson, Dortch, Eatman, Erwin, Etheridge, Fields, Finger, Freeman, Garrison, Gash, Greene, Griffin, Gudger, Hanner, Haymore, Hooker, Hurley, Isler, Jessup, Johnston, Kendall, Latta, Martin, McCubbins, McIver, McNeill, McRae, Means, Mendenhall, Mock, Moffitt, Mullen, Oaksmith, Page, Parrott, Patton, Pinnix, Presson, Proffitt, Reid, Richardson, Shackelford, Sharpe, Smith of Anson, Smith of Hyde, Spears, Staples, Staton, Stephenson, Stowe, Strong, Tate, Thompson of Beaufort, Thompson of Lincoln, Walker of Richmond, Wells, Whitley and Woodhouse—69.

The following gentlemen voted in the negative:

Messrs. Barnett, Blythe, Boyd, Brewington, Bunn, Candler, Carter, Cary, Crews, Elliott, Foote, Glenn, Godwin, Good, Harrison, Hill, Hughes, Jones, King, Lloyd, Mizell, Moore, Munden, Newell, Norment, Parker, Thorne, Trivett, Ward, Whisnant and White—31.

On motion of Mr. Walker, of Richmond, the rules were suspended, and the bill came up on its third reading.

Mr. Lloyd gave notice of an amendment.

On the call of Mr. Richardson, the previous question was ordered.

Mr. Lloyd moved to amend by striking out the words "ninety days," and insert the words "thirty days."

Mr. Lloyd demanded the yeas and nays, and the call being sustained, the amendment was rejected by the following vote.

The following gentlemen voted in the affirmative:

Messrs. Barnett, Blythe, Boyd, Brewington, Candler, Carter, Cary, Crews, Elliott, Foote, Garrison, Glenn, Godwin, Good, Griffin, Hanner, Hill, Hughes, Hurley, Jones, Lloyd, McNeill, Mizell, Moore, Munden, Newell, Norment, Parker, Thorne, Trivett, Ward, Whisnant and White—33.

The following gentlemen voted in the negative:

Messrs. Anderson, Atwater, Barnhardt of Caldwell, Bernheardt of Rowan, Bennett, Bettis, Bizzell, Bryant, Bryson, Davis of Haywood, Davis of Jackson, Dortch, Eatman, Erwin, Etheridge, Fields, Freeman, Gaither, Gash, Gudger, Haymore, Hooker, Isler, Jessup, Johnston, Kendall, Latta, Martin, McCalop, McCubbins, McIver, McRae, Means, Mebane, Mendenhall, Moffitt, Mullen, Oaksmith, Page, Parrott, Patten, Pinnix, Presson, Proffitt, Reid, Richardson, Shackelford, Sharpe, Smith of Anson, Smith of Hyde, Spears, Staples, Staton, Stephenson, Stowe, Strong, Tate, Thompson of Beaufort, Thompson of Lincoln, Walker of Richmond, Walker of Tyrrell, Wells, Whitley and Woodhouse—64.

The question then recurred on the passage of the bill on its third reading.

Mr. Jones called for the yeas and nays.

The call was sustained, and the bill passed its third reading by the following vote.

The following gentlemen voted in the affirmative:

Messrs. Anderson, Atwater, Barnhardt of Caldwell, Bernheardt of Rowan, Bennett, Bettis, Bizzell, Bryant, Bryson, Davis of Haywood, Davis of Jackson, Dortch, Eatman, Erwin, Etheridge, Fields, Freeman, Gaither, Garrison, Gash, Greene,

Griffin, Gudger, Hanner, Haymore, Hooker, Hurley, Isler, Jessup, Johnston, Kendall, Latta, Martin, McCalop, McCubbins, McIver, McNeill, McRae, Means, Mebane, Mendenhall, Mock, Moffitt, Mullen, Oaksmith, Page, Parrott, Patton, Pinnix, Proffitt, Reid, Richardson, Shackelford, Sharpe, Smith of Anson, Smith of Hyde, Spears, Staples, Staton, Stowe, Strong, Tate, Thompson of Beaufort, Thompson of Lincoln, Walker of Richmond, Walker of Tyrrell, Wells, Whitley and Woodhouse—69.

The following gentlemen voted in the negative:

Messrs. Barnett, Blythe, Boyd, Brewington, Bunn, Candler, Carter, Cary, Crews, Elliott, Foote, Glenn, Good, Harrison, Hughes, Jones, Lloyd, Mizell, Moore, Munden, Newell, Norment, Parker, Thorne, Trivett, Ward, Whisnant and White —28.

Mr. Richardson moved to reconsider the vote by which the bill passed, and to lay that motion on the table.

Mr. Norment moved to adjourn. Rejected.

Mr. Richardson's motion was then put to a vote and adopted.
On motion, the House adjourned until to-morrow at 10 A. M.

# FORTY-FOURTH DAY.

Tuesday, February 2nd, 1875.

The House met at 10 o'clock, Mr. Speaker Robinson in the chair.

Prayer by the Rev. Mr. Marshall, of this city. The Journal of yesterday was read and approved.

INTRODUCTION OF PETITIONS, &C.

By the Speaker of the House, on behalf of citizens of the county of Macon, a memorial in relation to the completion of

the Western Division of the W. N. C. R. R., which was placed on the calendar.

By Mr. Patton: A petition from citizens of township No. 2, in the county of Buncombe, praying the General Assembly in regard to prohibition of the sale of spirituous liquors in the said township, &c., which petition was referred to the Committee on Propositions and Grievances.

By Mr. McIver: A petition from citizens of Sanford, in the county of Moore, praying the repeal of the prohibition law as applied to said town, which was referred to the Committee on Cities, Towns, &c.

# REPORTS OF STANDING COMMITTEES.

Mr. Pinnix, from the Committee on the Judiciary, reported favorably on the following bills:

H. B. No. 165: A bill to secure the sufficiency of official bonds;

H. B. No. 436: A bill to amend an act in relation to the meadows of Rockingham county;

H. B. No. 318: A bill to punish the burning of grain and other products secured in stacks or otherwise out of doors.

S. B. No. 182, H. B. No. 380: A bill to amend sub-division 1, of section 8, chapter 27, of Battle's Revisal.

And unfavorably on

H. B. No. 202: A bill in relation to roads, ferries and bridges;

H. B. No. 310: A bill concerning proof of handwriting;

H. B. No. 349: A bill to amend Battle's Revisal, section 9, chapter 112;

H. B. No. 350: A bill to amend chapter 111, Battle's Revisal;

H. B. No. 375: A bill to amend chapter 32, section 39, of Battle's Revisal; and on

H. B. No. 175: A bill to amend chapter 95, public laws of the session of 1872-73, reported the bill back with a substitute for the same; and on

H. B. No. 329: A bill to repeal the North Carolina Beneficial Association, report that a notice of intention to repeal is required by law.

Mr. Staton, from the Committee on Cities, Towns, &c., reported unfavorably on

H. B. No. 333: A bill to establish a new county to be called Bragg; and on

H. B. No. 357: A bill to lay off and establish the new county of Linville.

Mr. Gudger, from the Committee on Propositions and Grievances, reported favorrbly on

H. B. No. 437: A bill repealing a certain part of chapter 137, laws of 1873-'74; and unfavorably on

H. R. No. 132: Resolution in favor of R. H. Cannon, Judge of the 12th Judicial District; and returned

H. B. No. 361: A bill to regulate the charges, tolls and fees of the Roanoke Navigation Company, with the recommendation that the bill be referred to the Committee on the Judiciary.

The following bills, resolutions and amendments, reported as correctly engrossed by Committee on Engrossed Bills, were transmitted to the Senate for concurrence:

H. B. No. 453: A bill to amend sections 21 and 22, chapter 117, Battle's Revisal;

H. B. No. 230: A bill to amend chapter 105, section 39, Battle's Revisal, as brought forward from Revised Code, chapter 102, section 37, entitled Salaries and Fees;

H. R. No. 134: Resolution requesting our Reprensentatives in Congress to amend the pension law.

The following bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the Senate:

An act to amend chapter 102, public laws of 1873-'74, concerning Clark's creek and Maiden creek, in the counties of Lincoln and Catawba;

An act to incorporate the Pamlico Insurance and Banking Company;

Resolution concerning educational interest of Cherokee.

Mr. Oaksmith, from the Joint Select Committee on State Railroads, reported favorably on

H. R. No. 101: Resolution of inquiry touching the Western North Carolina Railroad Company.

Leave of absence was granted to Mr. Moore from and after Thursday next, on account of important private business.

By consent, Mr. Moring was allowed to have his name recorded on the vote by which the bill for the relief of the contractors of the Marion and Asheville Turnpike passed this House on Saturday last.

## INTRODUCTION OF RESOLUTIONS.

By Mr. Mullen: Resolution of inquiry into the affairs of the Albemarle and Chesapeake Canal, which was placed on the calendar.

### INTRODUCTION OF BILLS.

By Mr. Richardson: A bill in relation to public taxes dueby the county of Wayne for 1870. Referred to the Committee on Finance.

By Mr. McIver: A bill to amend an act incorporating the town of Sanford, Moore county. Referred to the Committee on Counties, Cities, &c.

By Mr. Tate: A bill to construct a public road in Burke and Mitchell counties, and to improve the road from Morganton to William Morris' on the Blue Ridge. Referred to the Committee on Railroads, Post-roads, &c.

By Mr. Means: A bill to prevent live stock from running at large in counties and townships adopting its provision. Referred to the Committee on Propositions and Grievances.

By Mr. Oaksmith: A bill to protect, complete and consoli-

date the State railroads. Referred to the Joint Select Committee on State Railroads.

Mr. Smith, of Hyde, was announced as detained at his room by sickness.

By consent, Mr. Norment introduced a resolution in regard to banks, &c., and the rules being suspended, the resolution was put on its passage and adopted.

The rules were suspended, and S. B. No. 420, H. B. No. 444: A bill to revive and continue in force an act appointing trustees for Haywood Academy, in the county of Chatham, was taken up and put on its several readings and passed, and was ordered to be enrolled for ratification.

On motion of Mr. Gudger, the calendar was placed at the disposal of the Speaker, subject to the action of the House on the Special Orders.

The first Special Order, being S. B. No. 450, H. B. No. 445: A bill to restrict the fishing with pod nets in the Alberarle sound and the waters emptying therein was taken up.

Mr. Walker, of Tyrrell, submitted a substitute for the bill. The substitute was accepted, and the bill, so substituted, passed its several readings, and was ordered to be engrossed, and sent to the Senate for concurrence.

#### CALENDAR.

The calendar was taken up, and

H. B. No. 351: A bill to amend chapter 146, laws of 1872-'73, was put on its several readings, and passed, and was ordered to be engrossed and sent to the Senate for concurrence.

H. B. No. 245: A bill to amend chapter 111, section 32, of Battle's Revisal, was taken up, and, on motion, was made the special order for February 10th, at 12 o'clock, together with the substitute recommended by the committee.

H. R. No. 145: Resolution of inquiry into the affairs of the Albemarle and Chesapeake Canal Company, was taken up.

Mr. Gudger submitted a substitute which was accepted by Mr. Mullen, the introducer of the original resolution.

Mr. Means offered the following amendment, which was adopted:

"Amend by adding, that a copy of this resolution be sent to the Virginia Legislature, with the request that said committee be empowered by the Legislature of that State to send for persons and papers, and make any necessary examination in the State of Virginia.

Leave of absence was granted to Mr. Thompson, of Beaufort, from and after Tuesday next, until Friday, on account of important private business.

- H. B. No. 253: A bill in relation to the charter of the Watauga and Caldwell Narrow Gauge Railroad, was taken up, and, on motion, was made the special order for Saturday next, at 12 o'clock.
- H. B. No. 254: A bill to protect the State's interest in railroads was, on motion, laid on the table.
- H. B. No. 257: A bill for the better enforcement of contracts and the enhancement of agriculture, was taken up on its second reading.

# THE SECOND SPECIAL ORDER,

Being H. B. No. 77: A bill to amend the charter of the Carolina Central Railway Company, was announced.

Mr. McRae moved to postpone, and make it special order for the 16th instant, at 12 o'clock.

Mr. Pinnix offered a substitute for the bill, and Mr. McRae withdrew his motion, and the bill, with the substitute, was recommitted and referred to the Committee on Internal Improvements.

The consideration of H. B. No. 257, was resumed.

Mr. King offered the following proviso:

"Provided, Nothing in this act shall be so construed as to make it binding on the part of the employee to procure a cer-

tificate of discharge from a former employee before hiring again."

Mr. Means moved to re-commit the bill, and on that motion Mr. Norment called the yeas and nays.

The question was not then put, and Mr. Hughes moved to indefinitely postpone.

Mr. Norment moved to lay the bill on the table, and Mr. Hughes withdrew his motion to indefinitely postpone.

On his motion to table, Mr. Norment called the yeas and nays.

The call was sustained, and the House refused to table by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Barnett, Blythe, Brewington, Bryson, Bunn, Candler, Carson, Carter, Cary, Crews, Davis of Haywood, Davis of Jackson, Fields, Foote, Garrison, Glenn, Godwin, Good, Harrison, Hill, Hughes, Jones, Lloyd, McNeill, Mizell, Munden, Newell, Norment, Parker, Proffitt, Scott, Sharpe, Thorne, Walden, Ward and Whisnant—36.

The following gentlemen voted in the negative:

Messrs. Anderson, Atwater, Barnhardt of Caldwell, Bernheardt of Rowan, Bettis, Bizzell, Bryant, Dortch, Eatman, Elliott, Erwin, Etheridge, Finger, Freeman, Gaither, Gash, Greene, Griffin, Gudger, Hanner, Haymore, Holt, Hooker, Isler, Jessup, Jetton, Johnston, Kendall, Latta, Martin, McCalop, McCubbins, McIver, McRae, Means, Mebane, Mitchell, Mock, Moffitt, Moring, Moseley, Mullen, Oaksmith, Page, Parrott, Patton, Pinnix, Presson, Reid, Richardson, Shackelford, Smith of Anson, Spears, Staples, Staton, Stephenson, Stowe, Tate, Thompson of Beaufort, Thompson of Lincoln, Trivett, Walker of Richmond, Walker of Tyrrell, Whitley, Wiley and Woodhouse—66.

On motion to re-commit, Mr. Means called the yeas and nays. The call was sustained, and the bill was re-committed by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Atwater, Barnett, Barnhardt of Caldwell, Bernheardt of Rowan, Barrett, Bettis, Bizzell, Brewington, Bryant, Bryson, Bunn, Candler, Carter, Cary, Crews, Davis of Haywood, Davis of Jackson, Dorth, Eatman, Erwin, Etheridge, Fields, Finger, Foote, Freeman, Gaither, Garrison, Gash, Glenn, Godwin, Good, Greene, Griffin, Gudger, Hanner, Harrison, Haymore, Hill, Holt, Hooker, Hughes, Hurley, Isler, Jessup, Jetton, Johnston, Jones, Kendall, Latta, Lloyd, Martin, McCalop, McCubbins, McNeill, McRae, Means, Mebane, Mitchell, Mizell, Mock, Moffitt, Moring, Moseley, Mullen, Munden, Newell, Norment, Oaksmith, Page, Parker, Parrott, Patton, Pinnix, Presson, Proffitt, Reid, Richardson, Scott, Shackelford, Smith of Anson, Spears, Staples, Staton, Stephenson, Stowe, Tate, Thompson of Beaufort, Thorne, Trivett, Walden, Walker of Richmond, Walker of Tyrrell, Ward, Wells, Whisnant, Wiley and Woodhouse-98.

The following gentlemen voted in the negative:

Messrs. Carson, Elliott and Sharpe-3.

Mr. Jones withdrew his amendment.

S. B. No. 16, H. B. No. 67: A bill to amend chapter 33, Battle's Revisal, was put on its several readings and passed, and was ordered to be enrolled for ratification.

H. B. No. 263: A bill to amend and re-enact chapter 31, section 104, Revised Code, concerning appeals from justice's courts, was put on its several readings, and passed, and was ordered to be engrossed and sent to the Senate.

H. B. No. 266: A bill for the better protection of hands and farmers, was taken up, and, on motion of Mr. Hughes, was laid on the table.

H. B. No. 270: A bill concerning jurisdiction of justices of the peace, was taken up.

Mr. McRae moved to lay the bill on the table.

Mr. Reid demanded the yeas and nays on that motion. The call was sustained, and the bill was laid on the table by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Barnett, Barnhardt of Caldwell, Barrett, Bennett, Bryson, Candler, Davis of Haywood, Dortch, Eatman, Elliott, Erwin, Fields, Finger, Foote, Freeman, Glenn, Greene, Griffin, Gudger, Haymore, Hill, Jessup, Kendall, King, McCalop, McIver, McNeill, McRae, Means, Mebane, Mitchell, Mizell, Mock, Moring, Moseley, Mullen, Munden, Parker, Parrott, Patton, Pinnix, Presson, Richardson, Shackelford, Sharpe, Smith of Anson, Spears, Staples, Staton, Tate, Thorne, Trivett, Walden, Walker of Richmond, Ward and Woodhouse—56.

The following gentlemen voted in the negative:

Messrs. Atwater, Bernheardt of Rowan, Bettis, Bizzell, Blythe, Brewington, Bryant, Bunn, Carson, Crews, Etheridge, Gaither, Garrison, Godwin, Good, Hanner, Harrison, Holt, Hurley, Isler, Jetton, Johnston, Latta, Lloyd, Martin, McCubbins, Moffitt, Norment, Oaksmith, Page, Reid, Scott, Stephenson, Stowe, Thompson of Beaufert, Thompson of Lincoln, Walker of Tyrrell, Whisnant and Whitley—39.

H. R. No. 140: A resolution allowing additional aid to the engrossing clerk, was taken up and adopted.

Mr. Gudger moved to reconsider the vote by which the resolution was adopted, and to lay that motion on the table, and the motion to table prevailed.

H. B. No. 271: A bill concerning listing of polls and property was taken up, and, on motion, was laid on the table.

The use of the hall was, on motion, granted to Professor Kerr on Thursday evening for the purpose of a lecture.

On motion, the House adjourned until to-morrow at 10 o'clock.

# FORTY-FIFTH DAY.

Wednesday, February 3d, 1875.

The House met at 10 o'clock, Mr. Speaker Robinson in the chair.

The Journal of yesterday was read and approved.

# INTRODUCTION OF PETITIONS, &C.

By Mr. Staples: A memorial from citizens of Guilford, praying the repeal of all laws now in force on the subject of usury, and re-enact the old laws as set forth in the Revised Statutes, which was placed on the calendar.

By Mr. Moring: A petition from citizens of Chatham county, asking the passage of a law prohibiting the sale of intoxicating liquors within two miles of Gum Spring Baptist church, in said county, which was referred to the Committee on Propositions and Grievances.

By Mr. Pinnix: A memorial from citizens of Davidson county, on the subject of bird hunters, and asking protection against their depredations, which was placed on the calendar.

## REPORTS OF STANDING COMMITTEES.

Mr. Richardson, from the Committee on Corporations, reported favorably on the following bills:

H. B. No. 419: A bill to amend an act to incorporate the Cheoah Turnpike Company, by authorizing the construction of a branch road from Valley river to Hayesville, Clay county;

H. B. No. 433: A bill to amend an act entitled an act to amend the charter of the Cheoah Turnpike Company;

H. B. No. 448: A bill concerning Antioch Camp Ground, in Alleghany county, and to incorporate a board of trustees therefor; and on

H. B. No. 455: A bill to incorporate the Shaw University.

Mr. McRae, from the Committee on the Judiciary, reported favorably on

H. B. No. 395, S. B. No. 208: A bill to amend section 4, chapter 40, Battle's Revisal; and on

H. B. No. 373: A bill to incorporate Shook's Camp Ground of the Methodist Episcopal church, and Pleasant Hill Baptist church, in the county of Haywood, reported that the bill was a private bill, and required publication of notice.

And reported unfavorably on

H. B. No. 173: A bill to prohibit the carrying of side arms. Messrs. Erwin, Dorth, Fields and Barnett submitted a minority report, dissenting from the report of the majority.

Mr. McRae also reported unfavorably on

H. B. No. 135: A bill concerning corporations; and

Messrs. Pinnix, Staples, Walker, of Richmond, Dortch and Fields submitted a minority report on the same bill, dissenting from the recommendation of the majority.

Mr. Means, from the same committee, reported favorably on S. B. No. 219, H. B. No. 396: A bill to alter and amend chapter 17, section 268, Battle's Revisal; and on

H. B. No. 385: A bill in relation to the registration of deeds and other papers in certain cases.

Mr. Pinnix, from the same committee, reported unfavorably on

H. B. No. 383: A bill to make using language to disturb students attending schools, academies and colleges a misdemeanor.

Mr. Tate, from the Committee on Finance, reported favorably on

H. B. No. 457: A bill in relation to the public taxes due by the county of Wayne for the year 1870; and on

H. R. No. 143: A resolution in favor of George Johnston, General Agent of the St. Louis Life Insurance Company, of Missouri.

Mr. Gudger, from the Committee on Propositions and Grievances, reported favorably on

H. B. No. 460: A bill to prevent live stock running at large within counties adopting the provisions of this act; and on

H. B. No. 338: A bill to prevent live stock from running at large in the county of Cabarrus, reported that the only question involved was that of expediency, of which the Honse was as competent to judge as the committee, and beg to be discharged from farther consideration of the bill.

Mr. Staton, from the Committee on Cities, Towns, &c., reported favorably on

H. B. No. 458: A bill to amend an act incorporating the town of Sanford, in the county of Moore, laws of 1873-'74.

Mr. Reid, from the Committee on Claims, reported favorably on

S. R. No. 288, H. R. No. 119: Resolution in favor of Godfrey Keebler.

The following bills, resolutions and amendments, reported as correctly engrossed by Committee on Engrossed Bills, were transmitted to the Senate for concurrence:

H. B. No. 456: Amendments to a bill to be entitled an act to restrict the fishing of pod nets in Albemarle sound;

H. R. No. 140: Resolution to authorize the Engrossing Clerk of the House to employ additional clerical aid;

H. B. No. 351: A bill to amend chapter 146, laws of 1872-73;

H. R. No. 145: Resolution of inquiry into the affairs of the Albemarle and Chesapeake Canal Company;

H. B. No. 263: A bill to amend and re-enact chapter 31, section 104, of the Revised Code, concerning appeals from justices' courts.

The following bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the Senate:

An act to amend the charter of the city of Wilmington;

Joint resolution to authorize the Joint Select Committee to examine the coupons in Treasurer's office, to cancel, burn or destroy said bonds;

An act to continue in force an act appointing trustees for Haywood Academy, in Chatham county;

An act to change the dividing line between the counties of Franklin and Granville;

An act to amend Battle's Revisal, chapter 33;

An act for the relief of the sureties of John L. Harris, late sheriff of Person county.

## INTRODUCTION OF BILLS.

The following bills were introduced and referred to the Committee on Propositions and Grievances:

By Mr. Carson: A bill to amend sub-section 10, of section 21, chapter 105, Battle's Revisal.

By Mr. Mebane: A bill to authorize the commissioners of Rockingham county to levy a special tax.

By Mr. Shackelford: A bill to amend section 1, chapter 250, laws of 1868-'69, as brought forward in Battle's Revisal, section 6, chapter 118.

The following were introduced and referred to the Committee on Corporations:

By Mr. Finger: A bill to incorporate the board of directors of the Hickory High School, in the county of Catawba;

By Mr. Strong: A bill to extend the time for the organization of certain corporations.

By Mr. Davis, of Jackson: A bill to authorize the commissioners of Jackson county to erect a toll gate on a road known as the "turnpike road." Referred to the Committee on Railroads, Post Roads and Turnpikes.

By Mr. Godwin: A bill to repeal sub-sections 1 and 2, of section 23, chapter 804, of Battle's Revisal, and for other purposes. Referred to the Committee on Salaries and Fees.

By Mr. Thompson, of Lincoln: A bill relating to lunatics in the several counties of the State. Referred to the Joint Committee on Insane Asylum.

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By Mr. Strong: A bill in regard to suits by and against the State Treasurer. Referred to the Committee on Finance.

### CALENDAR OF SENATE BILLS.

The calendar of Senate bills was taken up, and

S. B. No. 14, H. B. No. 190: A bill to give justices of the peace jurisdiction in proceedings in the nature of forcible entry and detainer, was put on its third reading, passed, and was ordered to be enrolled for ratification.

The following bills were put on their second readings, and passed, and, without objection, went to their third readings, and passed, and were ordered to be enrolled for ratification:

- S. B. No. 24, H. B. No. 215: A bill concerning the Wilmington and Weldon Railroad, and Wilmington and Raleigh Railroad Companies;
- S. B. No. 33, H. B. No. 217: A bill to amend sections 6 and 9 of chapter 37, laws of North Carolina, passed at its session of 1873-'74; and
- S. B. No. 45, H. B. No. 248: A bill to amend section 1, chapter 62, laws of 1873-'74.
- S. B. No. 49, H. B. No. 249: A bill to require justices of the peace to give bond, was taken up on its second reading.

The amendments proposed by the Committee were adopted.

Mr. Trivett offered an amendment exempting Ashe county from the operations of the bill, and the amendment was adopted.

Mr. Norment moved that the bill be laid on the table.

On that motion, Mr. Walker, of Richmond, called for the yeas and nays, and the call was sustained, and the bill was tabled by the following vote.

The following gentlemen voted in the affirmative:

Messrs. Anderson, Barnett, Barnhardt of Caldwell, Bernheardt of Rowan, Bennett, Bettis, Blythe, Boyd, Brewington, Bryson, Bunn, Candler, Carson, Carter, Cary, Crews, Elliott, Fields, Foote, Gaither, Garrison, Glenn, Godwin, Good,

Greene, Griffin, Gudger, Hanner, Harrison, Haymore, Hill, Hooker, Hughes, Jones, King, Lloyd, McNeill, Mizell, Mock, Munden, Newell, Norment, Page, Parker, Pinnix, Proffitt, Sharpe, Smith of Hyde, Staples, Stephenson, Thompson of Lincoln, Thorne, Trivett, Walden, Ward, Whisnant, White and Wiley—58.

The following gentlemen voted in the negative:

Messrs. Atwater, Barrett, Bizzell, Bryant, Davis of Haywood, Dortch, Eatman, Erwin, Etheridge, Finger, Freeman, Gash, Holt, Hurley, Isler, Jessup, Jetton, Johnston, Kendall, Latta, Martin, McCalop, McCubbins, McIver, McRae, Means, Mebane, Mitchell, Moffitt, Moring, Moseley, Mullen, Oaksmith, Parrott, Patton, Presson, Reid, Richardson, Shackelford, Smith of Anson, Spears, Staton, Stowe, Tate, Thompson of Beaufort, Walker of Richmond, Walker of Tyrrell, Whitley and Woodhouse—49.

Mr. Boyd moved to reconsider the vote by which the bill was tabled, and to lay that motion on the table, but withdrew the motion.

Mr. — moved to reconsider the vote by which the bill was laid on the table.

Mr. Norment moved to lay the motion to reconsider on the table, and called for the yeas and nays.

The House refused to table the motion to reconsider by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Barnett, Bettis, Blythe, Boyd, Brewington, Bryson, Bunn, Candler, Carson, Carter, Cary, Crews, Elliott, Fields, Foote, Gaither, Garrison, Glenn, Godwin, Good, Greene, Griffin, Gudger, Hanner, Harrison, Haymore, Hill, Hughes, Jones, Lloyd, McNeill, Mizell, Mock, Munden, Newell, Norment, Parker, Pinnix, Proffitt, Sharpe, Smith of Hyde, Thompson of Lincoln, Thorne, Walden, Ward, Whisnant and Wiley—47.

The following gentlemen voted in the negative:

e ssrs. Anderson, Atwater, Barnhardt of Caldwell, Bern-

heardt of Rowan, Barrett, Bennett, Bizzell, Bryant, Davis of Haywood, Davis, of Jackson, Dortch, Eatman, Erwin, Etheridge, Finger, Freeman, Gash, Holt, Hooker, Hurley, Isler, Jessup, Jetton, Johnston, Kendall, King, Latta, Martin, McCalop, McCubbins, McIver, McRae, Means, Mebane, Mitchell, Moffitt, Moring, Moseley, Mullen, Oaksmith, Page, Parrott, Patton, Presson, Reid, Richardson, Shackelford, Smith of Anson, Spears, Staples, Staton, Stephenson, Tate, Thompson of Beaufort, Trivett, Walker of Richmond, Walker of Tyrrell, Wells, Whitley and Woodhouse—60.

Then the question recurred upon the motion to reconsider, upon which motion, the yeas and nays were called, and the motion to reconsider, prevailed by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Atwater, Barnhardt of Caldwell, Bernheardt of Rowan, Barrett, Bennett, Bizzell, Bryant, Davis of Haywood, Davis of Jackson, Dortch, Eatman, Erwin, Etheridge, Finger, Freeman, Gash, Holt, Hooker, Hurley, Isler, Jessup, Jetton, Johnston, Kendall, King, Latta, Martin, McCalop, McCubbins, McIver, McNeill, McRae, Mcans, Mebane, Mitchell, Moffitt, Moring, Moseley, Mullen, Caksmith, Page, Parrott, Patton, Presson, Proffitt, Reid, Richardson, Shackelford, Smith of Anson, Spears, Staples, Staton, Stephenson, Stowe, Tate, Thompson of Beaufort, Walker of Richmond, Walker of Tyrrell, Wells, Whitley and Woodhouse—62.

The following gentlemen voted in the negative:

Messrs. Barnett, Bettis, Blythe, Boyd, Brewington, Bryson, Bunn, Candler, Carson, Carter, Cary, Crews, Elliott, Fields, Foote, Gaither, Garrison, Glenn, Godwin, Good, Greene, Griffin, Gudger, Hanner, Harrison, Haymore, Hill, Hughes, Jones, Lloyd, Mizell, Mock, Munden, Newell, Norment, Pinnix, Sharpe, Smith of Hyde, Thompson of Lincoln, Thorne, Trivett, Walden, Ward, Whisnant and Wiley--45.

Then the question recurred upon the original motion to table, which Mr. Norment, the mover, withdrew.

The question then recurred upon the bill on its second reading.

Amendments were sent forward by gentlemen, excluding from the operations of the bill, the counties of Cleaveland, Polk, Caldwell, Lincoln, New Hanover, Northampton, Edgecombe, Pasquotank, Alexander, Iredell, Wilkes, Yadkin, Surry, Chowan, Alleghany, Henderson, Craven, Bertie, Madison, Granville, Bladen, Warren, Robeson, Halifax, Rutherford, Alamance, Hertford and Watauga.

Mr. Moring moved to re-commit the bill.

Mr. Walker, of Richmond, called for the previous question, and the call was sustained.

Mr. Lloyd moved to table, and on that motion, Mr. Walker, of Richmond, called the yeas and nays.

The call was sustained, and the House refused to table by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Barnett, Barnhardt of Caldwell, Bettis, Blythe, Boyd, Brewington, Bryson, Bunn, Candler, Carson, Carter, Cary, Crews, Davis of Jackson, Fields, Foote, Gaither, Garrison, Glenn, Goodwin, Good, Greene, Gudger, Hanner, Harrison, Haymore, Hill, Hughes, Jones, Lloyd, McNeill, Mizell, Munden, Newell, Norment, Parker, Sharpe, Smith of Hyde, Thompson of Lincoln, Thorne, Walden, Ward and Whisnant—43.

The following gentlemen voted in the negative:

Messrs. Anderson, Atwater, Bernheardt of Rowan, Barrett, Bizzell, Bryant, Davis of Haywood, Dortch, Eatman, Elliott, Erwin, Etheridge, Finger, Freeman, Gash, Griffin, Hooker, Hurley, Isler, Jessup, Jetton, Johnston, Kendall, Latta, Martin, McCalop, McIver, McRae, Means, Mebane, Mitchell, Mock, Moffitt, Moring, Moseley, Mullen, Oaksmith, Page, Parrott, Patton, Pinnix, Presson, Proffitt, Reid, Richardson, Shackelford, Smith of Anson, Spears, Staples, Staton, Stephenson, Stowe, Strong, Tate, Thompson of Beaufort, Trivett, Walker,

of Richmond, Walker of Tyrrell, Wells, Whitley, Wiley and Woodhouse—63.

The question was then on the motion to re-commit, and the House refused to re-commit by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Barnhardt of Caidwell, Bernheardt of Rowan, Bennett, Blythe, Boyd, Brewington, Bryson, Bunn, Carson, Carter, Cary, Crews, Davis of Jackson, Elliott, Fields, Finger, Foote, Gaither, Garrison, Glenn, Godwin, Good, Greene, Griffin, Gudger, Hanner, Haymore, Hill, Hughes, Jones, Kendall, Lloyd, McNeill, Mizell, Mock, Moring, Munden, Newell, Norment, Oaksmith, Page, Pinnix, Proffitt, Smith of Hyde, Stephenson, Thompson of Lincoln, Thorne, Trivett Ward, Whisnant and Wiley—52.

The following gentlemen voted in the negative:

Messrs. Atwater, Barnett, Barrett, Bettis, Bizzell, Bryant, Candler, Davis of Haywood, Dortch, Eatman, Erwin, Etheridge, Freeman, Gash, Harrison, Holt, Hooker, Hurley, Isler, Jessup, Jetton, Johnston, King, Latta, Martin, McCalop, McCubbins, McIver, McRae, Means, Mebane, Mitchell, Moffitt, Moseley, Mullen, Parrott, Patton, Presson, Reid, Richardson, Shackelford, Sharpe, Smith of Anson, Spears, Staples, Staton, Stowe, Strong, Tate, Thompson of Beaufort, Walker of Richmond, Walker of Tyrrell, Wells, Whitley and Woodhouse—55.

The question was then on the amendments to the bill then pending before the House, and upon a division the amendments were rejected, and the question was on the passage of the bill on its second reading.

Mr. Walker, of Richmond, called the yeas and nays.

The call was sustained, and the bill passed its second reading by the following vote.

The following gentlemen voted in the affirmative:

Messrs. Anderson, Atwater, Bernheardt of Rowan, Barrett, Bizzell, Bryant, Davis of Haywood, Dortch, Eatman, Erwin, Etheridge, Finger, Freeman, Gash, Holt, Hooker, Hurley, Isler, Jessup, Jetton, Johnston, Kendall, King, Latta, Martin,

McCalop, McCubbins, McIver, McRae, Means, Mebane, Mitchell, Moffitt, Moseley, Mullen, Oaksmith, Page, Parrott, Patton, Presson, Reid, Richardson, Shackelford, Smith of Anson, Spears, Staples, Staton, Stephenson, Stowe, Strong, Tate, Thompson of Beaufort, Walker of Richmond, Walker of Tyrrell, Wells, Whitley and Woodhouse—57.

The following gentlemen voted in the negative:

Messrs. Barnett, Barnhardt of Caldwell, Bennett, Bettis, Blythe, Boyd, Brewington, Bryson, Bunn, Candler, Carson, Carter, Cary, Crews, Elliott, Fields, Foote, Gaither, Garrison, Glenn, Godwin, Good, Greene, Griffin, Gudger, Hanner, Harrison, Haymore, Hill, Hughes, Jones, Lloyd, McNeill, Mizell, Munden, Newell, Norment, Parker, Pinnix, Proffitt, Sharpe, Smith of Hyde, Thompson of Lincoln, Thorne, Trivett, Walden, Ward, Whisnant and Wiley—49.

Mr. Walker, of Richmond, moved to suspend the rules.

On that motion Mr. Boyd called the yeas and nays.

Mr. Walker withdrew his motion.

Mr. Ballard was announced as detained at home by sickness, and was granted indefinite leave of absence.

A message was received from the Senate transmitting the following bills, and asking the concurrence of the House therein:

- S. B. No. 347: A bill to amend an act entitled an act to incorporate the town of Rocky Mount, in the county of Edgecombe;
- S. B. No. 473: A bill to incorporate the Bank of Gaston County;
- S. B. No. 431: A bill to provide for additional terms of the Superior Courts of Northampton and Halifax counties;
- S. B. No. 373; A bill to provide the State Library and Supreme Court with copies of laws;
- S. B. No. 217: A bill to amend chapter 137, section 1, of laws of 1873-'74; and
  - S. B. No. 237: A bill to amend chapter 5, section 4, of

Battle's Revisal, so as to prevent white children from being bound to colored masters.

They were read the first time, and referred as follows:

S. B.'s No. 471 and 474, were referred to the Committee on Propositions and Grievances;

S. B.'s Nos. 472 and 475, to the Committee on the Judiciary;

S. B.'s Nos. 473 and 476, to the Committee on Corporations.

A communication, addressed to the Speaker of the House, was received from the Public Treasurer, and was laid before the House.

On motion, the reading was dispensed with, and it was ordered to be printed.

### SPECIAL ORDER.

H. B. No. 22: A bill to provide for the proper organization, discipline and equipment of the State militia, was taken up, but no action had thereon.

Leave of absence was granted to Mr. Stowe for one day from and after to-morrow;

To Mr. Parrott until Monday next; and to Mr. Jetton for one day from and after to-morrow.

And, on motion, the House adjourned until to-morrow at 10 o'clock.

# FORTY-SIXTH DAY.

THURSDAY, February 4th, 1875.

The House met at 10 o'clock, Mr. Speaker Robinson in the chair.

Prayer by the Rev. Mr. Pritchard, of this city.

The Journal of yesterday was read and approved.

Mr. Lloyd rose to a question of personal privilege in regard to words spoken in debate yesterday on the floor of the House.

# INTRODUCTION OF PETITIONS, &C.

By Mr. McRae: A petition and counter petition from citizens of Cumberland county in relation to the passage of a fence law in a certain part of that county, which were referred to the Committee on Cities, Towns, &c.

By Mr. Carson: A petition from citizens of the county of Alexander, praying for the laying out of a public road in said county, &c., which was referred to the Committee on Railroads, Post Roads and Turnpikes.

#### REPORTS OF STANDING COMMITTEES.

Mr. Woodhouse, from the Committee on Railroads, Post Roads, &c., reported favorably on

H. B. No. 452: A bill to lay out and construct a public road through the counties of Watauga and Caldwell;

H. B. No. 459: A bill to lay off and establish a free turnpike in Burke and Mitchell counties, and to improve the road from Morganton to William Morris', on the Blue Ridge; and on

H. B. No. 465: A bill to authorize the county commissioners of Jackson county to have a toll gate erected on a road known as the Tuckasegee and Keowee turnpike road.

Mr. McRae, from the Committee on Internal Improvements, reported on the following bills, with amendments, and recommended the passage of the bills as amended:

H. B. No. 438: A bill to incorporate the Roanoke Valley Railroad;

H. B. No. 451: A bill to incorporate the Norfolk, Roxboro' and Greensboro' Railroad Company; and

H. B. No. 258: A bill to incorporate the Deep River and Reidsville Railroad Company.

Mr. Greene, from the Committee on Propositions and Grievances, submitted a report, at length, on

H. R. No. 120: Resolution in favor of fish culture by the State, and begged to be discharged from the farther consideration of the same.

Mr. McRae, from the Committee on the Judiciary, reported favorably on the following bills:

S. B. No. 393, H. B. No. 447: A bill to change the time of holding the Superior Courts of Hyde and Dare counties;

S. B. No. 180, H. B. No. 405: A bill to amend chapter 56, section 4, Battle's Revisal;

H. B. No. 414: A bill to amend chapter 118, Battle's Revisal; and

S. B. No. 237, H. B. No. 472: A bill to amend chapter 5, section 4, of Battle's Revisal; and unfavorably on

H. B. No. 101: A bill giving the right of redemption to debtors whose real estate has been sold under execution, mortgages and deeds of trust;

H. B. No. 311: A bill to provide for the taking of depositions of non-resident witnesses in civil actions before justices of the peace;

H. B. No. 407: A bill to amend section 6, chapter 176, laws of 1873-'74;

H. B. No. 413: A bill to authorize justices of the peace to issue subpœnas for witnesses in certain cases; and

H. B. No. 129: A bill to economize in the matter of public printing, and to provide for the execution of the same by the State.

The following bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the Senate:

An act to incorporate Olive Branch Baptist Church, in the county of Wilson;

An act to amend an act entitled an act to incorporate the town of Hickory, in the county of Catawba, ratified Decemcember 18th, 1873, and for other purposes;

An act to incorporate Furgerson's Camp Ground of the Methodist Church South, in Haywood county;

An act to authorize the Board of County Commissioners of Rowan county to subscribe to the capital stock of the Yadkin Railroad Company;

A resolution of inquiry into the affairs of the Albemarle and Chesapeake Canal Company;

An act for the better protection of the county bridge across Scuppernong river at Columbia, in Tyrrell county;

An act providing for the enforcement of decrees in suits in equity rendered prior to a certain act of 1806;

An act to amend an act to prohibit the sale of spirituous liquors in certain localities, chapter 137, and ratified the 16th of February, 1874;

An act to incorporate Pleasant Grove Camp Ground, in the county of Union;

An act to amend an act passed at the session of 1873-'74; An act to amend chapter 137, acts of the General Assembly of North Carolina of the session of 1873-'74.

## INTRODUCTION OF BILLS.

The following bills were introduced and referred to the Committee on Corporations:

By Mr. Walker, of Richmond: A bill to incorporate the town of Great Falls, Richmond county.

By Mr. Pinnix: A bill to incorporate the town of Yadkin College.

The following were referred to the Committee on Propositions and Grievances:

By Mr. Good: A bill for the protection of food fish in the waters of North Carolina.

By Mr. Whitley: A bill to repeal a portion of chapter 137, laws of 1873-74.

By Mr. Stephenson: A bill to donate a lot in the city of Raleigh for the purpose of erecting a Primitive Baptist church.

The following were referred to the Committee on Counties, Cities, &c.

By Mr. Reid: A bill to amend the charter of the city of Charlotte.

By Mr. Jessup: A bill for the benefit of the farmers in the Murphy Swamp, and Carver's Neck, Rockfish township, Cumberland county.

By Mr. Carson: A bill to lay off and establish a public road in the counties of Wilkes and Alexander. Referred to the Committee on Railroads, Post Road and Turnpikes.

### UNFINISHED BUSINESS.

The unfinished business of yesterday, being H. B. No. 22, to organize, equip and discipline the militia of the State, was taken up. The reading of the bill was dispensed with, and the question was on the adoption of the amendments of the Committee. They were adopted, and the bill was put on its second reading.

Mr. Patton sent forward the following amendment:

"In section 16, after the word 'drill' in first line, strike out 'at least once in each month," and insert 'as often as the company determines.'"

Mr. Pinnix moved to postpose further present consideration of the bill, and make it the special order for Monday week, and it was so ordered by the House.

On motion of Mr. McIver, the rules were suspended, and H. B. No. 458: A bill to amend an act incorporating the town of Sandford, in the county of Moore, was taken up and put on its several readings, and passed and was ordered to be engrossed and sent to the Senate.

Mr. Scott was announced as being detained at his room by sickness.

The rules were suspended to take up

H. B. No. 307: A bill to provide for the passage of fish in the Catawba river.

The amendments of the committee were adopted, and the bill was put on its second reading and passed.

On its third reading, Mr. Mebane offered the following amendment: "Include the Dan and Mayo rivers."

The amendment was adopted, and the bill passed its third reading, and was ordered to be engrossed and sent to the Senate.

Under a farther suspension of the rules,

H. B. No. 460: A bill to prevent live stock from running at large in counties and townships adopting the provisions of the bill, was taken up.

Mr. Dula offered the following amendment, which was accepted: Additional section to come in before ratification clause, that the county of Wilkes shall be exempt from the provisions of this act.

Mr. Moring offered the following amendment which was accepted: Strike out in section 3 the words "twenty-five free-holders," and insert "one-fourth of the voters."

### SPECIAL ORDER.

The special order was announced, but was passed over for the farther consideration of the bill before the House.

Mr. King offered the following as an amendment to Mr. Moring's amendment, which was accepted: Amend by striking out "one-fourth qualified voters," and insert "fifty freeholders."

Mr. Boyd submitted the following amendment which was adopted:

"And provided further, That this act shall not be voted upon more than once in any one county or township."

And the question was put on Mr. Moring's amendment, as amended, and it was adopted.

Mr. Glenn moved to amend by excepting the county of Yadkin from the provisions of this act, and the amendment was adopted.

Mr. Tate offered the following amendment which was

adopted:

"Amend by allowing the commissioners to order the election upon the application of one hundred free-holders on the part of the county at large, upon application of twenty-five freeholders on the part of a township."

Mr. Finger submitted the following amendment which was accepted: Amend section 4 by striking out the words "ten freeholders," and inserting the words "one fourth of the voters" in lieu thereof.

Motions were made to exempt the counties of Martin, Moore, Robeson, Pitt, Harnett, Granville, Wilson, Henderson, Craven, Caswell, Gaston, Clay, Cherokee, Edgecombe, Northampton, New Hanover, Bladen, Warren, Alleghany, Surry, Hyde and Moore, from the provisions of this act.

Mr. Dula moved as an amendment, that the operations of this act shall only apply to the county of Cabarrus.

Mr. Moring moved to re-commit the bill, with the amendments to the Committee on Propositions and Grievances.

Mr. Eatman moved to lay the bill on the table.

The motion was put and lost.

The question was then put on the motion to re-commit, and it did not prevail.

Mr. Sharpe moved to indefinitely postpone.

The motion was put and lost.

Mr. Oaksmith submitted the following amendment:

"Provided that any river, bay, creek, stream or navigable water in any county, accepting this act, when not otherwise provided by law, shall be considered a lawful fence."

Mr. Moring moved to refer the bill to Committee on Agriculture, Mining and Mechanics, but withdrew the motion.

Mr. Means moved to refer the bill to the Committee on Propositions and Grievances, but withdrew that motion.

Mr. Richardson offerred the following amendment:

"Provided that it shall be a misdemeanor for the citizens of any county or township so fenced to allow their stock to run at large in the counties or townships not accepting the provisions of this act."

The question was then on Mr. Oaksmith's amendment, and it was adopted.

### SPECIAL ORDER.

The special order being H. B. No. 22, was taken up, and after some discussion, was again postponed and made the special order for Thursday week.

Under a suspension of the rules,

H. B. No. 258: A bill to incorporate the Deep River and Reidsville Railroad, was taken up. The amendments proposed by the committee were accepted.

Mr. Boyd offered the following amendment:

Amend the title of the bill by striking out "Reidsville" and inserting "Danville." Amend Section 6, by inserting after the word "route," in line 13, the words "through the county of Caswell to Danville, in the State of Virginia," and insert also the words in said section, "with power to construct a branch road from some point on the main line, at or near McRay's store, in Alamance county, by the most feasible route, to a point on the Richmond and Danville R. R., at or near Reidsville, in the county of Rockingham. Insert as additional corporators, Thomas M. Holt and W. Albright, of Alamance county; W. G. Albright, of the county of Chatham; and J. Q. Anderson, John Bird, and N. M. Roan, of the county of Caswell."

Mr. McRae called the previous question, and the call was sustained.

Mr. Oaksmith gave notice of an amendment.

And the question was then put on Mr. Boyd's amendment, and it was adopted.

Mr. Oaksmith sent forward the following amendment:

Amend by adding to last clause previous to ratifying clause:

"Provided, That said railroad shall be commenced within three years and completed in ten years, under a penalty of forfeiture of the charter; and that the General Assembly reserves the right of amending the charter whenever in its opinion the public interest may demand.

"Provided, That no amendment to change the route or line shall be binding without the consent of a majority of the stockholders."

The question was taken on the amendment, and it was lost, and the bill was then put on its second reading and passed, and was put on its third reading.

Mr. Boyd offered the following amendment: Insert instead of the date provided for the first meeting of the corporators, "the 31st day of July, 1875."

Mr. Oaksmith gave notice of an amendment, and the question was put on Mr. Boyd's amendment, and it was adopted.

Mr. Oaksmith sent forward the amendment which was submitted and rejected on the second reading of the bill, and it was accepted.

The bill was then put on its third reading and passed and was ordered to be engrossed and sent to the Senate.

Mr. Boyd moved to reconsider the vote by which the bill passed its third reading, and to lay that motion on the table, and the motion to table prevailed.

On motion of Mr. Pinnix,

H. B. No. 135: A bill concerning corporations, was made the special order for February 12th.

On motion, H. B. No. 436: A bill to amend an act in relation to the meadows of Rockingham county, chapter 197,

public laws of 1870-'71, was put on its several readings and passed, and was ordered to be engrossed.

On motion of Mr. Walker, of Richmond, the bill to establish the county of Pender, was referred to the Committee on Cities, Towns, &c., without prejudice to its present place on the calendar, when such committee shall have reported thereon.

Leave of absence was granted to Mr. Jessup from and after to-day until Monday; to Mr. Bryson from and after to-day until Monday; to Mr. Bernhardt, of Rowan, indefinitely; to Mr. Staton from and after to-day until Tuesday next; to Mr. Godwin indefinitely; and to Mr. Hooker from and after to-day until Tuesday next.

H. B. No. 288: A bill for the protection of birds was, on motion, taken from the calendar and referred to the Committee on Propositions and Grievances.

Under a motion to suspend the rules, S. B. No. 365, H. B. No. 406: A bill to incorporate the Trustees of Statesville Academy, was put on its several readings and passed, and was ordered to be enrolled for ratification.

H. B. No. 433: A bill to amend an act entitled an act to amend the charter of the Cheoah Turnpike Company, was taken up und passed its several readings, and was ordered to be engrossed and sent to the Senate.

A message was received from the Senate informing the House of the passage of the following bills and amendments, and asking the concurrence of the House therein:

Engrossed Senate amendment to H. B. No. 208, S. B. No. 296: A bill to lay out and construct a public road, &c.;

S. B. No. 436: A bill to incorporate the N. C. Cherokee Mining and Manufacturing Company;

S. B. No. 371: A bill to incorporate the Bank of Reidsville; Engrossed Senate amendments to H. B. No. 29, S. B. No. 397: A bill to amend the charter of Lincolnton;

Engrossed Senate amendments to H. B. No. 43, S. B. No. 166: A bill to repeal an act passed at the session of 1872-'73;

- S. B. No. 247: A bill to amend section 40, chapter 104, Battle's Revisal;
- S. B. No. 173: A bill to amend chapter 17, section 34, Battle's Revisal;
- S. B. No. 442: A bill to incorporate the town of Albe-marle;
- S. B. No. 382: A bill to incorporate the Oak City Building and Loan Association;
  - S. B. No. 221: A bill to repeal chapter 79, laws of 1871-'72;
- S. B. No. 374: A bill to incorporate the Cleaveland Savings Bank, in the town of Shelby, Cleaveland county;

And they were read the first time, and appropriately referred, or otherwise disposed of, as follows:

- S. B's Nos. 221, 173 and 247, to the Judiciary;
- S. B's Nos. 442, 382, 436 and 374, to Corporations;
- S. B. No. 371, to Committee on Banks and Currency;

And the engrossed Senate amendments to H. B. No. 43, S. B. No. 166, were referred to the Committee on Railroads, Post Roads, &c., and the question was put upon the concurrence of the House in the engrossed Senate amendments to H. B. No. 29, S. B. No. 397: A bill to amend the charter of the town of Lincolnton, and engrossed Senate amendments to H. B. No. 208, S. B. No. 296: A bill to lay out and construct a public road from Boone, Watauga county, to the Caldwell and Watauga Turnpike.

The House concurred in the amendments, and the bills were ordered to be enrolled for ratification.

S. B. No. 143, H. B. No. 443: A bill to incorporate the Yadkin River and Wilkesboro Navigation Company, was, on motion, taken up and put on its second reading, and passed its second reading.

On motion, of Mr. Carson, the House adjourned until tomorrow at 10 o'clock.

# FORTY-SEVENTH DAY.

FRIDAY, February 5th, 1875.

Pursuant to adjournment, Mr. Speaker Robinson called the House to order.

Prayer by the Rev. Mr. Mangum, of this city.

The Journal of yesterday was read and approved.

Leave of absence was granted to the following gentlemen:
To Mr. Brewington indefinitely on account of sickness; to
Mr. Mock until Tuesday; to Mr. Barnett until Monday; to
Mr. Whisnant indefinitely on account of sickness; to Mr.
Trivett for one week on account of important private business; to Mr. Atwater until Tuesday on account of private
business; to Mr. Isler until Wednesday; to Mr. Foote for one
week, on account of important business; to Mr. Thorne until
Wednesday next; to Mr. Walden until Tuesday on account
of private business; and to Mr. Scott indefinitely on account
of severe sickness.

Mr. Oaksmith arose to a question of personal privilege in regard to words spoken in the debate on the bill incorporating the Deep River, Saxapahaw and Danville Railroad Company.

# PETITIONS, &C.

Mr. Barnhardt, of Caldwell, presented a petition from certain citizens of Caldwell county, asking a prohibitory liquor law affecting Patterson, Caldwell county, and its immediate vicinity.

By Mr. Carson: A petition from citizens of Alexander and Iredell counties, asking the incorporation of Pisgah church, and the prohibition of the sale of intoxicating liquors within one mile thereof.

Both of the petitions were referred to the Committee on Propositions and Grievances.

### REPORTS OF STANDING COMMITTEES.

- Mr. Barnhardt, of Caldwell, from the Committee on Propositions and Grievances, reported favorably on the following bills:
- S. B. No. 217, H. B. No. 471: A bill to amend chapter 137, section 1, laws of 1873-'74;
- S. B. No. 273, H. B. No. 474: A bill to provide the State Library and the Supreme Court with additional copies of the acts of Assembly and reports of their decisions;
- H. B. No. 479: A bill to repeal a portion of chapter 137, laws of 1873-'74;
- H. B. No. 463: A bill to authorize the commissioners of Rockingham county to levy a special tax;
- H. B. No. 464: A bill to amend section 1, chapter 250, laws of 1868-'69, as brought forward in section 6, chapter 118, Battle's Revisal, with amendment; and unfavorably on
- H. B. No. 462: A bill to amend sub-section 21, chapter 105, Battle's Revisal; and
- H. B. No. 478: A bill for the protection of food fish in the waters of North Carolina.
- Mr. Pinnix, from the Judiciary Committee, reported favorably on the following bills:
- S. B. No. 247, H. B. No. 485: A bill to amend section 40, chapter 104, Battle's Revisal:
- S. B. No. 221, H. B. No. 487: A bill to repeal chapter 79, laws of 1871-72;
- H. B. No. 207: A bill to amend sub-section 2, of section 35, chapter 193, laws of 1871-'72, as brought forward in Battle's Revisal, sub-section 2, of section 4, chapter 37;
- S. B. No. 443, H. B. No. 475: A bill to provide for additional terms of the Superior Courts of Northampton and Halifax counties;
- H. B. No. 382: A bill to amend chapter 120, section 1, Battle's Revisal, with amendments; and unfavorably on
  - H. B. No. 412: A bill allowing compensation to jurors;

S. B. No. 173, H. B. No. 486: A bill to amend chapter 17, section 34, Battle's Revisal; and on

H. B. No. 454: A bill concerning certain judges.

Mr. Pinnix, from the same committee, reported on

H. B. No. 176: A bill to amend chapter 14, private laws of 1868-'69, and to prevent gambling; stating that the Judiciary Committee thought sufficient notice of the proposed repeal had not been given.

Mr. Staton, from the Committee on Counties, Cities, &c., reported favorably on

H. B. No. 481: A bill for the benefit of the farmers in the Murphy Swamp and Carver's Neck, Rockfish township, Cumberland county; and also on

H. B. No. 418: A bill to locate a county site in the county of Pamlico, after the addition of a ratifying clause to said bill.

Mr. Richardson, from the Committe on Corporations, reported favorably on

H. B. No. 477: A bill to incorporate the town of Great Falls, Richmond county.

Mr. Carson, from the same committee, reported favorably on H. B. No. 467: A bill to incorporate the Board of Directors of the Hickory High School, Catawba county.

Mr. Moring, from the Committee on Privileges and Elections, reported on

H. B. No. 82: A bill to amend the election law, recommending the adoption of an accompanying substitute therefor.

Mr. Walker, of Richmond, from the Committee on Salaries and Fees, reported unfavorably on the following bills:

H. B. No. 376: A bill to regulate the peridiem of jurors, and on

H. B. No. 466: A bill to repeal sub-sections 1 and 2, of section 23, chapter 804, Battle's Revisal, and for other purposes.

The following bills were reported as correctly engrossed, by the Committee on Engrossed Bills, and a message was ordered to be sent to the Senate transmitting the same, and asking concurrence therein: H. B. No. 436: A bill to amend an act in relation to Meadows in Rockingham county;

H. B. No. 433: a bill to amend an act amendatory of the charter of the Cheoah Turnpike Company;

H. B. No. 458: A bill to amend the act incorporating the town of Sandford, Moore county.

The following bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the Senate:

An act to lay out and construct a public road from Boone, Watauga county, to the Caldwell and Watauga turnpike;

An act to amend the charter of the town of Lincolnton;

An act to incorporate trustees of Statesville Academy;

An act concerning the Wilmington and Weldon Railroad and Wilmington and Raleigh Railroad Companies;

An act to amend section 1, chapter 62, laws of 1873-'74;

An act to give justices of the peace jurisdiction in proceedings in the nature of forcible entry and detainer;

An act to amend sections 6 and 9, of chapter 37, private laws of North Carolina, passed at the session of 1873-'74.

Resolution concerning a custom house and other necessary improvements in the city of Newbern, N. C.

### REPORTS FROM SELECT COMMITTEES.

Mr. Gash, from the Joint Select Committee in regard to heating the Capitol, reported a resolution appointing the presiding officers of the two houses of the General Assembly and the State Auditor a committee to estimate expense and to superintend the matter. The resolution was placed on the calendar.

### INTRODUCTION OF RESOLUTIONS.

By Mr. Gudger: Resolution returning the thanks of the people of this State to the Hon. Mr. Brown, of Kentucky, for his recent able defence of the Southern people in Congress

and his denunciation of the arch-king of infamies—Butler. Placed on the calendar.

By Mr. Finger: Resolution in favor of James H. Enniss. Referred to the Committee on Claims.

By Mr. Erwin: Resolution in favor of the widow of the late Governor Tod R. Caldwell. Referred to the Committee on Claims.

### INTRODUCTION OF BILLS.

By Mr. Mebane: A bill to amend section 496, Code of Civil Procedure, as brought forward in Battle's Revisal, chapter 63, section 12, which was referred to the Committee on the Judiciary.

By Mr. Norment: A bill to amend chapter 52, Battle's Revisal, which was referred to the Committee on Privileges and Elections.

#### UNFINISHED BUSINESS.

The unfinished business of yesterday being

S. B. No. 143, H. B. No. 343: A bill to incorporate the Yadkin River and Wilkesboro' Navigation Company, was taken up on its third reading.

Mr. Richardson moved to amend by striking out that clause exempting the corporation from taxation.

Mr. Moring sent forward the following amendment. Amend by adding an additional section, to be numbered 15, as follows:

That nothing in this act shall be construed to exempt the property of said corporation from taxation, to confer upon them banking privileges, or to deprive the General Assembly of the power to alter or amend their charter.

Mr. Richardson's amendment was withdrawn, its object being covered by the amendment of Mr. Moring, and the bill was put on its third reading and passed, and the amendments were ordered to be engrossed and sent to the Senate for concurrence.

On motion of Mr. Means, H. B. No. 460, was taken up with the substitute reported by the committee.

Mr. Gudger sent forward the following amendment. Add to section 1st the following:

"Provided, That no live stock belonging to any citizen living in the counties accepting the provisions of this act, shall run at large in any other county of this State; and if stock are permitted or allowed so to do, the owner shall be guilty of a misdemeanor, and, upon conviction, be fined not to exceed fifty dollars, or imprisoned not to exceed one month, at the discretion of the court."

Mr. Freeman submitted the following amendment:

"Provided, That it shall be a misdemeanor for the citizens of any county or township, so fenced, to allow their stock to run at large in the counties or townships not accepting the provisions of this act: Provided, This section shall not apply to persons owning property in townships not fenced."

The question was put on Mr. Gudger's amendment, and it was adopted, and Mr. Freeman's amendment was ruled out as being covered by that of Mr. Gudger.

Mr. Means submitted the following amendment:

Add to amendment: "That this proviso shall not apply to persons owning land in a county or township not accepting this act."

Mr. Erwin moved to lay the bill with the amendments on the table, and on this motion, Mr. Means called the yeas and nays. The call was sustained, and the House refused to table by the following vote. The following gentlemen voted in the affirmative:

Messrs. Atwater, Barrett, Bunn, Carson, Carter, Cary, Crews, Davis of Jackson, Eatman, Erwin, Etheridge, Fields, Glenn, Good, Greene, Griffin, Hicks, Hill, Hughes, Jones, Kendall, Latta, Lloyd, McIver, McNeill, Newell, Thorne, Trivett, Walden, Walker of Tyrrell, Whisnant, White, Whitley and Wood—39.

The following gentlemen voted in the negative:

Messrs. Anderson, Barnhardt of Caldwell, Bennett, Bettis, Bizzell, Blythe, Boyd, Bryson, Candler, Davis of Haywood, Dortch, Dula, Elliott, Finger, Freeman, Gaither, Garrison, Gash, Gudger, Hanner, Harrison, Haymore, Holt, Isler, Johnston, King, Martin, McCalop, McCubbins, McRae, Means, Mebane, Mendenhall, Mitchell, Mizell, Mock, Moffitt, Moring, Moseley, Mullen, Norment, Oaksmith, Page, Parker, Parrott, Patton, Pinnix, Presson, Proffitt, Reid, Richardson, Sharpe, Smith of Anson, Spears, Staples, Stephenson, Stowe, Tate, Thompson of Lincoln, Walker of Richmond, Wells and Wiley—61.

Mr. Patton moved to reconsider the vote by which Mr. Gudger's amendment was adopted.

Mr. Erwin introduced an amendment which was not considered, and the question was put on the reconsideration of Mr. Gudger's amendment, and the House refused to reconsider.

Mr. Means offered the following amendment:

"Strike out all the counties named in first section except that of Cabarrus."

The amendment was adopted.

The question was put on the adoption of the substitute, and it was adopted, and the bill was then put on its second reading and passed by the following vote.

The following gentlemen voted in the affirmative:

Messrs. Anderson, Atwater, Barnhardt of Caldwell, Bettis,

Bizzell, Blythe, Bryson, Candler, Carson, Davis of Haywood, Davis of Jackson, Dortch, Dula, Eatman, Erwin, Etheridge, Fields, Finger, Foote, Freeman, Gaither, Garrison, Gash, Glenn, Greene, Griffin, Gudger, Hanner, Haymore, Hill, Holt, Isler, Johnston, Jones, Kendall, King, Latta, Lloyd, Martin, McCalop, McCubbins, McIver, McNeill, McRae, Means, Mebane, Mendenhall, Mitchell, Mizell, Mock, Moffitt, Moring, Moseley, Mullen, Norment, Oaksmith, Page, Parker, Patton, Pinnix, Presson, Proffit, Reid, Richardson, Sharpe, Smith of Anson, Smith of Hyde, Spears, Stephenson, Stowe, Tate, Thompson of Lincoln, Thorne, Trivett, Walker of Richmond, Walker of Tyrrell, Ward, Wells, Whisnant, Whitley, Wiley, Wood and Woodhouse—83.

The following gentlemen voted in the negative:

Messrs. Bunn, Cary, Crews, Good, Hughes and White—6. By consent, H. B. No. 435: A bill to revive the Board of Internal Improvements, was put on its several readings, and was passed and was ordered to be engrossed and sent to the Senate.

The rules were suspended, and

H. B. No. 386: A bill to allow the commissioners of Burke county to issue bonds, was put on its second reading and passed by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Atwater, Barnhardt of Caldwell, Barrett, Bennett, Bettis, Bizzell, Blythe, Bryant, Bryson, Carson, Carter, Cary, Davis of Haywood, Davis of Jackson, Dortch, Dula, Eatman, Elliott, Erwin, Etheridge, Fields, Foote, Freeman, Gaither, Garrison, Gash, Glenn, Good, Greene, Griffin, Gudger, Hanner, Harrison, Haymore, Hill, Holt, Isler, Jones, Kendall, King, Latta, Lloyd, Martin, McCalop, McCubbins, McIver, McNeill, McRae, Means, Mebane, Mendenhall, Mock, Moffitt, Moore, Moring, Moseley, Norment, Oaksmith, Page, Patton, Pinnix, Presson, Proffitt, Reid, Sharpe, Smith of Anson, Smith of Hyde, Staples, Stephenson, Tate, Thompson

of Lincoln, Thorne, Trivett, Walden, Walker of Richmond, Ward, Wells, Wheeler, Whisnant and Whitley 81.

Nays none.

The rules were further suspended, and

H. B. No. 458: A bill to incorporate the Roanoke Valley Railroad Company, was taken up.

The reading of the bill was dispensed with.

The report of the committee was read, and the amendments proposed by them accepted.

Mr. Oaksmith offered the following amendment:

"Provided, That the General Assembly reserves the right of amending the charter whenever the public interest may demand; and that work on said railroad shall be commenced within three years, and completed within ten, under penalty of forfeiture of the charter."

Mr. McRae offered the following amendment to the amendment of Mr. Oaksmith: Strike out the words "of amending this charter," and called the previous question.

The call was sustained, and the question was then put on the amendment of Mr. McRae, and it prevailed.

The question was then put on Mr. Oaksmith's amendment, and it was adopted.

The bill was then put on its second reading, and passed by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Atwater, Bennett, Bettis, Bizzell, Blythe, Boyd, Bryson, Candler, Carson, Carter, Cary, Crews, Davis of Haywood, Davis of Jackson, Dortch, Dula, Eatman, Elliott, Erwin, Fields, Foote, Freeman, Gaither, Garrison, Gash, Glenn, Good, Greene, Griffin, Gudger, Hanner, Harrison, Haymore, Holt, Hughes, Isler, Johnston, Jones, Kendall, King, Latta, Lloyd, Martin, McCalop, McCubbins, McIver, McNeill, McRae, Means, Mebane, Mizell, Mock, Moffitt, Moore, Moring, Moseley, Newell, Norment, Page, Parker, Patton, Pinnix, Presson, Proffitt, Richardson, Sharpe, Smith of Anson, Smith

of Hyde, Spears, Staples, Stephenson, Tate, Thorne, Trivett, Walker of Richmond, Walker of Tyrrell, Ward, Wells, Wheeler, Whisnant, White, Whitley, Wiley, Wood and Woodhouse—86.

The following gentlemen voted in the negative:

Messrs. Barnhardt of Caldwell, Hicks and Mendenhall—3.

A message was received from the Senate, transmitting the following bills, resolutions and engrossed amendments:

S. R. No. 546: A resolution concerning heating the Capitol;

S. R. No. 279: A resolution in favor of convicts in the Penitentiary;

Engrossed Senate amendments to H. B. No. 98, S. B. No. 162: A bill authorizing the making of a turnpike road in Alleghany county; and

Engrossed Senate amendments to H. R. No. 140, S. R. No. 521: A resolution authoring the employing of aid by the Engrossing Clerk of the House of Representatives; and

S. B. No. 244: A bill to extend the laborers' and mechanics' lien;

S. B. No. 244, was read the first time, and referred to the Committee on the Judiciary;

S. R. No. 279, was read the first time, and referred to the Committee on Finance;

S. R. No. 546, was read the first time, and placed on the calendar; and

Engrossed Senate amendments to H. B. No. 98, S. B. No. 162, and to H. R. No. 140, S. R. No. 541, were concurred in, and they were ordered to be enrolled for ratification.

On motion of Mr. Walker, of Richmond,

S. B. No. 496, H. B. No. 249, was ordered to be taken from the calendar for the purpose of introducing a substitute, and the bill and substitute were referred to the Committee on the Judiciary.

Mr. Oaksmith submitted a protest against the action of the House on the passage of H. B. No. 458 on its second reading, which was ordered to be spread on the Journal of the House:

## PROTEST.

This protest of Appleton Oaksmith, member from Carteret county, respectfully shows that, in his humble opinion, the passage of H. B. No. 458 involves a relinquishment of State control over corporations which he conceives prejudicial to the public interest. That he introduced an amendment to the bill in question, protecting the State's rights in this respect, which did not prevail; and he therefore desires to enter his protest against the passage of said bill being considered a precedent for the future action of this General Assembly.

Respectfully submitted,
APPLETON OAKSMITH,
Member from Carteret.

On motion of Mr. King, the rules were suspended, and H. B. No. 499: A bill amendatory to an act incorporating the Cheoah Turnpike Company, was taken up and put on its several readings, and passed, and was ordered to be engrossed and sent to the Senate.

On motion of Mr. Dula, S. B. No. 389, H. B. No. 442: A bill to allow a mortgage deposit in courts of the State, was ordered to be printed.

On motion of Mr. Presson, the House adjourned till 10 o'clock to-morrow.

# FORTY-EIGHTH DAY.

SATURDAY, February 6th, 1875.

The House met at 10 o'clock, Mr. Speaker Robinson in the chair.

The Journal of yesterday was read and approved.

Leave of absence was granted to Mr. Crews indefinitely, on account of sickness in his family;

To Mr. Moffitt, from and after to-day, till Thursday next, on account of important private business; and to

Mr. Richardson, from and after to-day, until Tuesday next, for the same reason.

Mr. Parker was announced as detained from attendance upon the House on account of sickness.

## INTRODUCTION OF PETITIONS, &C.

By Mr. Stowe: A petition from citizens of Gaston county, praying the enactment of a law prohibiting the sale of intoxicating liquors within one mile of Dallas, in the county of Gaston; and

By Mr. Garrison: A petition from citizens of Polk county, asking the passage of a prohibitory law; both of which were referred to the Committee on Propositions and Grievances.

#### REPORTS OF STANDING COMMITTEES.

Mr. Woodhouse, from the Committee on Railroads, Post Roads and Turnpikes, reported favorably on

H. B. No. 482: A bill to lay off and establish a public road in the counties of Wilkes and Alexander.

Mr. Gudger, from the Committee on Propositions and Grievances, reported a substitute for

H. B. No. 228: A bill for the protection of birds, and recommended the adoption of the substitute, and the passage of the bill as substituted.

Mr. Finger, from the Committee on Enrolled Bills, reported the following as correctly enrolled, and they were ratified by the Speaker of this House, and were transmitted to the Senate to be ratified by the President of that body:

Resolution to authorize the Engrossing Clerk of the House to employ additional clerical aid;

Resolution to pay principal Clerks of each House for preparing printed calendar.

Mr. Shackelford, from the Committee on Engrossed Bills, reported that

H. B. No. 307: A bill to provide for the passage of fish in the Catawba, Dan and Mayo rivers had been correctly engrossed, and a message was sent to the Senate transmitting the same, and asking the concurrence of that body therein.

# INTRODUCTION OF RESOLUTIONS,

By Mr. Freeman: A resolution in favor of Joseph Marshall, late sheriff of Stauly county, which was referred to the Committee on Finance.

### INTRODUCTION OF BILLS.

By Mr. Wells: A bill to amend chap. 151, sec. 1, laws of 1853-'54, in relation to certain insane persons.

By Mr. Bennet: A bill to amend chap. 61, sec. 54, Battle's Revisal, both of which were referred to the Judiciary Committee.

By Mr. Stowe: A bill to prohibit the sale of intoxicating liquors within one mile of the Court House of Dallas, Gaston county.

By Mr. Garrison: A bill to prohibit the sale of intoxicating liquors within one and a half miles of White Oak church, at Mill's Springs, Polk county.

By Mr. Davis, of Jackson: A bill empowering the county commissioners of certain counties, to reduce the official bonds of certain county officers; and

By Mr. Munden: A bill to amend chap. 14, private laws of 1869-'70, all of which were referred to the Committee on Propositions and Grievances.

On motion, the calendar for to-day, was placed at the disposal of the Speaker.

S. B. No. 393, H. B. No. 447: A bill to change the times of holding the Superior Courts of Hyde and Dare, was taken up and put on its several readings, and passed, and was ordered to be enrolled for ratification;

H. B. No. 438: A bill to incorporate the Roanoke Valley Railroad, was put on its third reading and passed by the following vote, and was ordered to be engrossed and sent to the Senate:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Barrett, Bennett, Bettis, Bizzell, Blythe, Bunn, Candler, Carson, Carter, Cary, Davis of Haywood, Davis of Jackson, Dortch, Dula, Eatman, Elliott, Etheridge, Fields, Finger, Foote, Freeman, Garrison, Gash, Glenn, Good, Greene, Gudger, Hanner, Haymore, Hill, Holt, Hurley, Johnston, Jones, Kendall, Latta, Lloyd, Martin, McCalop, McCubbins, McIver, McNeill, Means, Mebane, Mizell, Moffitt, Moring, Moseley, Mullen, Newell, Norment, Page, Patton, Proffitt, Sharpe, Smith of Anson, Spears, Stephenson, Stowe, Tate, Thompson of Lincoln, Trivett, Walker of Richmond, Walker of Tyrrell, Ward, Wells, White, Whitley, Wiley, Wood and Woodhouse—72.

The following gentlemen voted in the negative:
Messrs. Hicks, Mendenhall, Pinnix and Reid—4.

H. B. No. 386: A bill to allow the commissioners of Burke county to issue bonds, was put on its third reading and passed by the following vote, and was ordered to be engrossed and sent to the Senate:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Barnhardt of Caldwell, Barrett, Bennett, Bettis, Bizzell, Blythe, Candler, Carson, Carter, Cary, Davis of Haywood, Davis of Jackson, Dortch, Dula, Eatman, Elliott, Etheridge, Fields, Finger, Foote, Freeman, Garrison, Gash, Glenn, Good, Greene, Gudger, Hanner, Haymore, Hicks, Hill, Holt, Hurley, Johnston, Jones, Kendall, Latta, Lloyd, Martin, McCalop, McCubbins, McIver, McNeill, Means, Mebane, Mendenhall, Mizell, Moffitt, Moring, Moseley, Mul-

len, Munden, Newell, Norment, Page, Patton, Pinnix, Presson, Proffitt, Reid, Sharpe, Smith of Anson, Smith of Hyde, Spears, Staples, Stephenson, Stowe, Tate, Thompson of Lincoln, Trivett, Walker of Richmond, Walker of Tyrrell, Ward, Wells, White, Whitley, Wiley, Wood and Woodhouse—80.

Mr. Bunn voted in the negative.

H. B. No. 496: A bill to prevent the running at large of cattle in the county of Cabarrus, was put on its third reading.

The title was amended.

Mr. Mebane moved to include the county of Rockingham in the provisions of the bill.

Mr. Finger moved to include the county of Catawba.

Mr. Means offered an amendment including all counties specified by the various amendments. Carried.

The bill was put on its third reading and passed by the following vote, and was ordered to be engrossed and sent to the Senate:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Barnhardt of Caldwell, Barrett, Bennett, Bettis, Bizzell, Blythe, Candler, Carson, Davis of Haywood, Davis of Jackson, Dortch, Dula, Eatman, Elliott, Etheridge, Fields, Finger, Foote, Freeman, Gaither, Garrison, Gash, Gleun, Greene, Gudger, Hanner, Haymore, Holt, Hurley, Johnston, Kendall, Latta, Lloyd, Martin, McCalop, McCubbins, McIver, McNeill, Means, Mebane, Mendenhall, Mizell, Moffitt, Moring, Moseley, Mullen, Norment, Page, Patton, Pinnix, Presson, Proffitt, Reid, Sharpe, Smith of Anson, Smith of Hyne, Spears, Stephenson, Stowe, Thompson of Lincoln, Trivett, Walker of Richmond, Walker of Tyrrell, Ward, Wells, Whitley, Wiley, Wood and Woodhouse—70.

The following gentlemen voted in the negative:

Messrs. Bunn, Carter, Cary, Good, Hill, Jones and White—7. H. B. No. 467: A bill to incorporate the Board of Directors of the Hickory High School, in the county of Catawba, was put on its several readings and passed, and was ordered to be engrossed and sent to the Senate: H. R. No. 141: Resolution in favor of the Dismal Swamp Canal, was taken up.

The amendments proposed by the committee were accepted, and the resolution was then adopted, and ordered to be engrossed and sent to the Senate.

H. B. No. —: A bill to prohibit the carrying of side arms, was taken up.

The question was on the adoption of the substitute for the bill proposed by the committee.

Mr. Boyd moved to lay the bill and substitute on the table, and on that motion, Mr. Candler called the yeas and nays, and the call was sustained, and the House refused to table by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Barnhardt of Caldwell, Barrett, Bennett, Bizzell, Boyd, Bryson, Bunn, Carson, Carter, Cary, Dula, Elliott, Finger, Glenn, Good, Gudger, Hanner, Hill, Johnston, Jones, Latta, Lloyd, Martin, McCalop, McIver, McRae, Mebane, Mendenhall, Mizell, Moring, Moseley, Mullen, Munden, Newell, Norment, Oaksmith, Page, Pinnix, Sharpe, Smith of Anson, Smith of Hyde, Staples, Stephenson, Stowe, Tate, Walker of Richmond, Walker of Tyrrell, Ward, Wells, Wheeler, White, Whitley, Wiley, Wood and Woodhouse—55.

The following gentlemen voted in the negative:

Messrs. Anderson, Bettis, Blythe, Candler, Davis of Haywood, Davis of Jackson, Dortch, Eatman, Erwin, Etheridge, Fields, Freeman, Garrison, Gash, Greene, Haymore, Hicks, Holt, Hurley, Kenhall, King, McCubbins, McNeill, Moffitt, Patton, Presson, Proffitt, Reid, Thompson of Lincoln, and Trivett—30.

Mr. Johnston moved to amend by inserting the word "stones."

Mr. McIver moved to indefinitely postpone the whole matter.

Pending definite action, the

## SPECIAL ORDER,

H. B. No. 253: A bill to amend the act chartering the Caldwell and Watauga Narrow Gauge Railroad, was announced.

On motion, the special order was postponed, and the consideration of the bill in reference to the carrying of side arms, was resumed.

On the motion to indefinitely postpone, the previous question was ordered, on the call of Mr. McIver.

On the call of Mr. King, the year and nays were had, and the motion to indefinitely postpone was adopted by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Barnett, Bennett, Bizzell, Boyd, Bunn, Carter, Cary, Elliott, Foote, Gaither, Glenn, Good, Gudger, Hanner, Johnston, Jones, Lloyd, McIver, Moring, Moseley, Newell, Norment, Pinnix, Sharpe, Stephenson, Stowe, Walker of Richmond, Ward, Wells, White, Wiley and Woodhouse-32.

The following gentlemen voted in the negative:

Messrs. Anderson, Barnhardt of Caldwell, Bettis, Blythe, Candler, Carson, Davis of Haywood, Davis of Jackson, Dortch, Dula, Eatman, Erwin, Etheridge, Fields, Finger, Freeman, Garrison, Gash, Greene, Haymore, Hicks, Hill, Hurley, Kendall, King, Latta, Martin, McCalop, McCubbins, McNeill, Means, Mebane, Mendenhall, Mizell, Mock, Moore, Page, Patton, Presson, Proffitt, Reid, Smith of Anson, Tate, Thompson of Lincoln, Trivett, Walker of Tyrrell and Whitley-47

### THE SPECIAL ORDER,

H. B. No. 253: A bill to amend the act chartering the Caldwell and Watauga Narrow Gauge Railroad, was next taken up.

Mr. Finger raised the point of order, that the notice of the introduction of the bill, required by law, had not been given.

The Speak sustained the point.

On motion of Mr. Greene, the bill was passed over informally.

### CALENDAR.

The bill to authorize the commissioners of Stanly county to subscribe to the capital stock of the Yadkin Kailroad Company, was taken up and passed its second reading by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Barrett, Bennett, Bettis, Bizzell, Blythe, Boyd, Bryson, Bunn, Carson, Carter, Cary, Davis of Haywood, Davis of Jackson, Dortch, Dula, Eatman, Elliott, Erwin, Etheridge, Fields, Finger, Foote, Freeman, Gaither, Gash, Good, Greene, Gudger, Hanner, Hill, Holt, Johnston, Jones, Kendall, Latta, Lloyd, Martin, McCalop, McCubbins, McIver, McNeill, McRae, Means, Mebane, Mendenhall, Moffitt, Moseley, Mullen, Munden, Newell, Norment, Page, Patton, Presson, Proffitt, Reid, Sharpe, Smith of Anson, Smith of Hyde, Spears, Stephenson, Stowe, Tate, Thompson of Lincoln, Trivett, Walker of Richmond, Walker of Tyrrell, Ward, Wells, Wheeler, Whisnant, Whitley, Wiley, Wood and Woodhouse—96.

Mr. Barnhardt, of Caldwell, voted in the negative.

H. B. No. 326: A bill to amend chapter 137, laws of 1873-'74, was taken up and passed its several readings, and was ordered to be engrossed and sent to the Senate.

H. B. No. 344: A bill to amend chapter 39, Battle's Revisal, entitled "Draining Wet Lands," was taken up and passed its several readings, and was ordered to be engrossed and sent to the Senate.

H. B. No. 393: A bill to incorporate the town of Morrisville, Wake county, was taken up and passed its several readings, and was ordered to be engrossed and sent to the Senate.

H. B. No. 396, S. B. No. 219: A bill to alter and amend chapter 17, section 268, Battle's Revisal, was taken up and passed its several readings, and was ordered to be enrolled for ratification.

H. B. No. 82: A bill to amend the election laws, was

taken up.

The substitute offered by the Committee on Privileges and Elections was adopted, and the bill passed its several readings, and was ordered to be engrossed and sent to the Senate.

H. B. No. 129: A bill to economize in the matter of public printing, and to provide for the execution of the same by the State, was taken up.

Mr. Patton moved to lay the bill on the table.

On this motion the yeas and nays were had on the call of Mr. Glenn, and the motion prevailed by the following vote.

The following gentlemen voted in the affirmative:

Messrs. Anderson, Bernheardt of Rowan, Barrett, Bennett, Bettis, Bizzell, Boyd, Bryson, Cary, Dortch, Eatman, Erwin, Etheridge, Fields, Finger, Freeman, Gaither, Garrison, Gash, Greene, Haymore, Hill, Holt, Hurley, Johnston, Jones, Kendall, King, Latta, Martin, McCalop, McCubbins, McIver, McNeill, McRae, Means, Mendenhall, Mizell, Moffitt, Moring, Moseley, Norment, Oaksmith, Patton, Pinnix, Presson, Reid, Sharpe, Smith of Anson, Smith of Hyde, Spears, Stephenson, Stowe, Tate, Thompson of Lincoln, Walker of Rickmond, Walker of Tyrrell, Wiley, Wood and Woodhouse—60.

The following gentlemen voted in the negative:

Messrs. Blythe, Bunn, Candler, Carson, Davis of Haywood, Dula, Glenn, Good, Lloyd, Moore, Munden, Newell, Trivett, Wheeler and White—15.

H. B. No. 165: A bill to secure the sufficiency of official

bonds, was taken up.

Mr. Dula moved to postpone and make special order for Monday at 12 M.

The motion was rejected.

Mr. Lloyd moved to amend by exempting New Hanover from the provisions of the bill, and his motion was rejected.

Mr. Dula offered an amendment exempting the counties of Wilkes, Forsythe and Craven from the provisions of the bill, which amendment was rejected. Mr. Boyd moved to amend by exempting Alamance county from the operations of the bill.

On the call of Mr. McRae the previous question was ordered.

The question recurred on Mr. Boyd's amendment.

On the call of Mr. Boyd the yeas and nays were had, and the amendment was rejected by the following vote.

The following gentlemen voted in the affirmative:

Messrs. Blythe, Boyd, Bunn, Carson, Carter, Cary, Dula, Foote, Glenn, Good, Jones, Lloyd, Mizell, Moore, Munden, Newell, Ward, Wheeler, White and Wood—20.

The following gentlemen voted in the negative:

Messrs. Anderson, Barnhardt of Caldwell, Barrett, Bennett, Bettis, Bizzell, Candler, Davis of Haywood, Davis of Jackson, Dortch, Eatman, Elliott, Erwin, Etheridge, Fields, Finger, Freeman, Gaither, Garrison, Gash, Greene, Gudger, Hanner, Haymore, Holt, Johnston, Kendall, King, Latta, Martin, McCalop, McIver, McNeill, McRae, Means, Mebane, Mendenhall, Moffitt, Moring, Moseley, Mullen, Norment, Page, Patton, Pinnix, Presson, Proffitt, Reid, Sharpe, Smith of Anson, Smith of Hyde, Spears, Staples, Stephenson, Stowe, Thompson of Lincoln, Walker of Richmond, Walker of Tyrrell and Wiley—61.

The question recurred on the passage of the bill on its third reading.

The yeas and nays being called, the bill passed its third reading by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Barnhardt of Caldwell, Barrett, Bennett, Bettis, Bizzell, Candler, Carson, Davis of Haywood, Dortch, Eatman, Erwin, Etheridge, Fields, Finger, Freeman, Gaither, Garrison, Gash, Glenn, Greene, Gudger, Hanner, Haymore, Holt, Johnston, Kendall, King, Latta, Martin, McCalop, McCubbins, McIver, McNeill, McRae, Means, Mebane, Mendenhall, Moffitt, Moring, Moseley, Mullen, Page, Patton, Pinnix, Presson, Proffitt, Reid, Sharpe, Smith of Anson, Smith of

Hyde, Staples, Stephenson, Stowe, Tate, Thompson of Lincoln, Walker of Richmond, Walker of Tyrrell, Wheeler, Wiley, Wood and Woodhouse—62.

The following gentlemen voted in the negative:

Messrs. Boyd, Bryson, Bunn, Carter, Cary, Davis of Jackson, Dula, Elliott, Foote, Good, Jones, Lloyd, Mizell, Moore, Munden, Newell, Norment, Ward and White—19.

Mr. McRae moved to reconsider the vote by which the bill passed its third reading, and to lay that motion on the table, which motion was put to a vote and prevailed.

Leave of absence was granted to Mr. Spears until the 15th inst., on account of important private business.

A message was received from the Senate transmitting a copy of engrossed amendments to H. B. No. 174, S. B. No. 227: A bill to change the times of holding certain courts in the 11th Judicial District, and asking the concurrence of the House therein.

The matter was referred to the Committee on the Judiciary. On motion, the House adjourned until Monday at 10 o'clock A. M.

# FORTY-NINTH DAY.

Monday, February 8th, 1875.

The House met at 10 o'clock, Mr. Speaker Robinson in the chair.

Prayer by the Rev. Mr. Atkinson, of this city. The Journal of Saturday was read and approved.

INTRODUCTION OF PETITIANS, &C.

By Mr. Kendall: A memorial from citizens of Randolph

county, praying for the passage of a stringent usury law, which was placed on the calendar.

### REPORTS OF STANDING COMMITTEES.

By Mr. Gudger, from the Committee on Propositions and Grievances, an unfavorable report on

H. B. No. 387: A bill in relation to Town creek, in Brunswick county;

Mr. Reid, from the Finance Committee, reported favorably on

H. R. No. 148: A resolution in favor of James H. Enniss; Mr. Shackelford, from the Committee on Engrossed Bills, reported on

H. B. No. 496: A bill to prevent live stock from running at large within Cabarrus and certain other counties;

H. B. No. 483: A bill to incorporate the town of Yadkin College;

H. B. No. 435: A bill to revive the Board of Internal Improvements; and

H. B. No. 419: A bill to incorporate the Cheoah Turnpike Company, by authorizing the construction of a branch road from Valley river, Cherokee county, to Hayesville, Clay county, had been correctly engrossed, and a message was sent to the Senate, transmitting the same, and asking the concurrence of that body therein.

### INTRODUCTION OF RESOLUTIONS.

By Mr. Glenn: Resolution in reference to the Civil Rights Bill; and

By Mr. Greene: Resolution to adjourn sine die, on the 18th day of February, 1875, both of which were placed on the calendar; and

By Mr. King: Resolution in favor of Thomas Carver, of

Graham county, which was referred to the Committee on Finance.

#### INTRODUCTION OF BILLS.

By Mr. Mizell: A bill to pay Clerk of the Superior Court, per diem during a regular or special term, which was referred to the Committee on Salaries and Fees.

By Mr. Bernheardt, of Caldwell: A bill to amend chapter 16, Battle's Revisal, entitled "cattle and other stock;" and

By Mr. Proffitt: A bill to prohibit the sale of spirituous liquors within two miles of Bald Creek school house, in Yan cey county; both of which were referred to the Committee on Propositions and Grievances.

By Mr. Bryson: A bill to allow citizens of Swain county to pass through the counties of Macon and Jackson, without paying toll, which was referred to the Committee on Railroads, Post Roads and Turnpikes; and

By Mr. Bettis: A bill to authorize any justice of the peace to take privy examination in any of the courts of the State, which was referred to the Committee on Finance.

Mr. Glenn rose to a question of personal privilege in relation to a resolution in regard to the Civil Rights Bill introduced by him this morning.

Mr. Foote rose to a question of personal privilege in connection with the same subject.

Mr. Moore rose to a question of personal privilege in connection with the same subject.

Under a suspension of the rules, H. B. No. 335: A bill to authorize the chairman of the board of commissioners of Watauga county, to make title to town lots in certain cases, was put on its several readings, and passed, and was ordered to be sent to the Senate without engrossment.

H. B. No. 352: A bill to repeal chapter 7, laws of 1873-'74, incorporating the town of Lumberton, was put on its second reading.

The amendments proposed by the committee were adopted, and on motion of Mr. Walker, of Richmond, the bill was recommitted to the Judiciary Committee.

Leave of absence was granted to Mr. Trivett until Thursday next on account of important private business.

Leave of absence was granted to Mr. Harrison indefinitely from and after to-morrow, on account of sickness in his family.

S. B. No. 367: A bill concerning fences in Iredelland other counties, was put on its second reading.

Mr. Stowe moved to amend by inserting Gaston county.

Mr. Smith, of Anson, moved to amend by inserting "Anson county," and the bill was put on its second reading and passed.

On going to a third reading, Mr. Dortch moved to insert the "county of Wayne;"

Mr. Gash, to insert the "counties of Transylvania, Burke and Union;"

Mr. Wiley, to insert the "county of Washington;"

Mr. Walker, of Richmond, to insert the "county of Richmond;"

Mr. McCalop, to insert the "county of Sampson;"

Mr. Kendall, to insert the "county of Randolph;" and

Mr. Walker, of Tyrrell, the "county of Tyrrell."

The amendments were all adopted, and the bill was put on its third reading and passed, and was ordered to be returned to the Senate for concurrence in the amendments.

On motion of Mr. Foote, the resolutions introduced by Mr. Glenn this morning in reference to the Civil Rights Bill, were ordered to be taken from the calendar and made the special order for Friday next at 12 o'clock.

On motion of Mr. Staples, they were ordered to be printed.

H. B. No. 202: A bill in relation to roads, ferries and bridges, was taken up, and was, on motion, laid on the table.

S. B. No. 181, H. B. No. 404: A bill to amend an act entitled "An act to consolidate an act incorporating the town of Lenoir, Caldwell county, and the acts amendatory thereof," was

put on its several readings and passed, and was ordered to be enrolled for ratification.

H. B. No. 207: A bill to amend sub-section 2, of section 3, chapter 193, laws of 1871-'72, as brought forward in Battle's Revisal, sub-section 2 of section 4, chapter 37, was taken up, and put on its second reading. Upon a division called for, no quorum voted.

Mr. Dula moved the following amendment:

"Provided that this act shall not take effect until after the adjournment of this General Assembly," and on the amendment, called the yeas and nays. The call was not sustained, and the question was put on the amendment and was lost.

The bill was again put on its second reading, and on its passage Mr. Hicks called the yeas and nays, and the call was sustained.

Mr. Means moved the following amendment, which was accepted.

Amend by adding to section 1, "that sub-division 1 of said chapter and section, and all other laws inconsistent with this act," are hereby repealed. Amend by striking out the words "all laws to the contrary are hereby repealed."

And the bill passed its second reading by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Barnhardt of Caldwell, Barrett, Bettis, Blythe, Bryson, Candler, Carson, Davis of Haywood, Davis of Jackson, Dortch, Eatman, Elliott, Erwin, Fields, Foote, Freeman, Gaither, Gash, Greene, Haymore, Hicks, Holt, Hurley, Kendall, King, Latta, Martin, McCalop, McCubbins, McIver, McNeill, Means, Mebane, Mendenhall, Moring, Moseley, Newell, Oaksmith, Page, Patton, Pinnix, Presson, Proffitt, Reid, Sharpe, Smith of Anson, Staples, Stephenson, Thompson of Lincoln, Walker of Richmond, Walker of Tyrrell, Wells, Wheeler and Wood—55.

The following gentlemen voted in the negative:

Messrs. Bennett, Bizzell, Boyd, Brewington, Bunn, Carter,

Dula, Etheridge, Finger, Garrison, Good, Gudger, Hanner, Jessup, Jones, Lloyd, McRae, Mizell, Munden, Norment, Shackelford, Smith of Hyde, Stowe, Tate, Ward, Wiley and Woodhouse—27.

#### SPECIAL ORDER.

The special order being H. B. No. 221: A bill in relation to the Western North Carolina Railroad, was taken up.

Mr. Pinnix submitted a substitute, which the Speaker ruled not to be in order, as being different in character from the original bill.

Pending discussion, the House yielded to a motion to adjourn, and adjourned until to-morrow morning at 10 o'clock.

# FIFTIETH DAY.

Tuesday, February 9th, 1875.

The House met at 10 o'clock, Mr. Speaker Robinson in the chair.

Prayer by the Rev. Mr. Marshall, of this city.

The Journal of yesterday was read and approved.

#### INTRODUCTION OF PETITIONS.

By Mr. McCubbins: A petition from citizens of Rowan county asking for a prohibition law in certain counties.

By Mr. Hooker: A petition of citizens of Greene county asking a prohibitory law in regard to the sale of liquors within two miles of Little Creek church, in said county;

By Mr. Greene: A petition from citizens of Watauga

county, praying for the passage of an act encouraging sheep culture; and

By Mr. Mendenhall: A petition from citizens of Northampton county, praying for the prohibition of the sale of spirituous liquors within three miles of Rich Square church, in said county, all of which were referred to the Committee on Propositions and Grievances.

By Mr. Davis, of Haywood: A petition from the board of commissioners of Haywood county in relation to the power to levy a tax to pay off the county debt, which was referred to the Committee on Finance;

By Mr. Munden: Sundry petitions from citizens of Pasquotank in relation to the interest of the fisheries;

By Mr. Pinnix: A petition from citizens of Holly Township, of the same county on the same subject;

By Mr. McRae: A petition from citizens of Cumberland, praying the General Assembly not to pass the usury bill; and through the Speaker of the House, a memorial and resolution of certain citizens of Craven county in relation to the call of a Convention;

By Mr. Staples: A memorial from citizens of Guilford county, on the subject of prohibitory laws, all of which were placed on the calendar.

By Mr. Finger: A petition of G. D. L. Yount, in relation to the use of sacks which have been branded.

By Mr. Staples: A petition from citizens of Guilford on the subject of public roads. Referred to the Committee on Railroads, Post Roads and Turnpikes.

#### REPORTS OF STANDING COMMITTEES.

Mr. McRae, from the Committee on the Judiciary, reported favorably on

H. B. No. 493: A bill to amend sec. 496, Code of Civil Procedure, as brought forward in Battle's Revisal, chapter 63, section 12; and unfavorably on

- H. B. No. 429: A bill to amend section 199, Code of Civil Procedure; on
- H. B. No. 431: A bill concerning allotment of Dower; on S. B. No. 194, H. B. No. 441: A bill to appoint public guardians; and on
- S. B. No. 244, H. B. No. 494: A bill to extend the laborers' and mechanics' lien.
- Mr. Tate, from the Committee on Finance reported unfavorbly on
- H. B. No. 508: A bill to authorize any justice of the peace to take privy examinations of *femes covert* in any of the courts of the State.
- Mr. Holt, from the Committee on Corporations, reported favorably on
- H. B. No. 490, S. B. 436: A bill to incorporate the North Carolina Cherokee Mining and Manufacturing Company.
- Mr. Woodhouse, from the Committee on Railroads, Post Roads and Turnpikes, reported favorably on
- H. B. No. 507: A bill to allow the citizens of Swain county to pass through the counties of Macon and Jackson without paying toll; and on the engrossed Senate amendments to
- H. B. No. 43: A bill to repeal an act passed at the session of 1872-73.
- Mr. Gaither, from the Committee on Corporations, made a report on
- S. B. No. 473, H. B. No. 476: A bill to incorporate the Bank of Gaston county, with the recommendation that the bill be printed and re-committed to the Judiciary Committee, and it was so ordered by the House.
- Mr. Staples, from the Committee on Corporations reported favorably on
- S. B. No. 347, H. B. No. 473: A bill to amend an act to incorporate the town of Rocky Mount, in the county of Edgecombe; on
- S. B. No. 442, H. B. No. 491: A bill to incorporate the town of Albemarle, in the county of Stanly; and on

S. B. No. 382, H. B. No. 489: A bill to incorporate the Oak City Building and Loan Association of Raleigh, N. C.

Mr. Shackelford, from the Committee on Engrossed Bills, reported that the following bills had been correctly engrossed, and they were transmitted to the Senate, with a message asking the concurrence of that body therein:

- H. B. No. 326: A bill to amend chapter 137, laws of 1873-'74;
- H. B. No. 344: A bill to amend chapter 39, Battle's Revisal, entitled "Draining Wet Land;"
- H. B. No. 386: A bill to allow the commissioners of Burke county to issue bonds;
- H. B. No. 393: A bill to incorporate the town of Morrisville, in the county of Wake;
- H. B. No. 467: A bill to incorporate the board of directors of the Hickory High School, in the county of Catawba;

H. B. No. 503: A bill to amend the election law.

The following bills, reported as correctly enrolled by the Committee on Enrolled Bills, were duly ratified and transmitted to the Senate:

An act authorizing the making a turnpike road in the county of Haywood;

An act to change the time of holding the Superior Courts of Hyde and Dare;

An act to alter and amend section 368, of chapter 17, of Battle's Revisal;

An act to amend chapter 155, public laws of 1873-'74; An act to amend chapter 95, public laws of 1873-'74.

### INTRODUCTION OF RESOLUTIONS.

By Mr. King: A resolution in regard to constitutional amendments, which was placed on the calendar.

## INTRODUCTION OF BILLS.

By Mr. Greene: A bill to repeal chapter 104, of the public

laws of 1873-'74, and to re-enact section 19, of chapter 112, of Battle's Revisal, which was referred to the Committee on the Judiciary.

By Mr. Davis, of Haywood: A bill to authorize the board of commissioners of Haywood county to levy a special tax, which was referred to the Committee on Finance.

By Mr. McCubbins: A bill to prohibit the sale of intoxicating liquors in certain localities in Rowan county.

By Mr. Fields: A bill to repeal sections 14, 15, 16, 17 and 18, of chapter 2, Battle's Revisal.

By Mr. Greene: A bill to amend chapter 184, of the laws of 1850-'51, entitled an act to encourage sheep raising in the counties of Watauga and Ashe.

By Mr. Gaither: A bill to prohibit the sale of spirituous liquors within one half mile of Holly Springs Baptist church and camp ground, in Iredell county.

All of which were referred to the Committee on Propositions and Grievances.

By Mr. Munden: A bill in regard to fishing in Newbegun creek, in Pasquotank county, which was placed on the calendar.

A message from the Senate was announced, transmitting the following bills and resolutions:

- S. B. No. 467: A bill to amend section 3, chapter 80, of Battle's Revisal;
- S. B. No. 456: A bill for the better regulation of the Newbern Academy;
- S. R. No. 535: Resolution of inquiry concerning State cotton; and
  - S. R. No. 546: Resolution in favor of J. H. Enniss.

And they were read the first time and appropriately referred, as follows:

- S. B. No. 469, to the Committee on the Judiciary.
- S. B. No. 456, to the Committee on Education.
- S. R. No. 535, was placed on the calendar, and
- S. R. No. 546, was referred to the Committee on Claims.

# UNFINISHED BUSINESS.

The unfinished business of yesterday was resumed, being S. B. No. 221: A bill in relation to the Western North Carolina Railroad.

Mr. Moring moved to amend by striking out in section 2, line 5, "eight cents" and insert "six cents."

The amendment was accepted, and the bill was put on its second reading, and failed to pass by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Barrett, Bennett, Bizzell, Blythe, Bryant, Bryson, Candler, Carson, Cary, Davis of Haywood, Davis of Jackson, Erwin, Freeman, Garrison, Gash, Greene, Gudger, Hicks, Jessup, Jones, King, Martin, McCalop, McCubbins, McIver, McNeill, McRae, Means, Mebane, Mitchell, Moring, Norment, Oaksmith, Patton, Presson, Proffitt, Reid, Smith of Anson and Tate—39.

The following gentlemen voted in the negative:

Messrs. Anderson, Barnhardt of Caldwell, Barrett, Bettis, Boyd, Brewington, Bunn, Carter, Crews, Dortch, Dula, Eatman, Elliott, Etheridge, Fields, Finger, Gaither, Glenn, Godwin, Good, Hanner, Harrison, Haymore, Hill, Holt, Hooker, Hughes, Hurley, Jetton, Johnston, Kendall, Latta, Lloyd, Mendenhall, Mizell, Mock, Moore, Moseley, Mullen, Munden, Newell, Page, Parrott, Pinnix, Shackelford, Sharpe, Smith of Hyde, Staples, Staton, Stephenson, Stowe, Strong, Thompson of Lincoln, Thorne, Walden, Walker of Richmond, Walker of Tyrrell, Ward, Wells, White, Whitley, Wiley, Wood and Woodhouse—64.

Mr. Boyd moved to reconsider the vote just taken and to make the motion special order for Thursday at 12 M.

The motion to make special order was adopted.

# SPECIAL ORDER.

H. B. No. 406: A substitute for all the bills in relation to

the subject of usury, being the special order of the hour, its consideration was gone into.

Mr. Mebane moved to postpone until Wednesday of next week.

Mr. McRae moved to re-commit to the Judiciary Committee.

Mr. Means moved to amend Mr. McRae's motion by instructing the Judiciary Committee to report next Thursday, and that the Senate bill in relation to the same matter be also referred to that committee.

Mr. Mebane withdrew his motion to postpone until next Wednesday week-

Mr. Means moved to amend by striking out in section 3 the words "banking institution, corporation or company" in first and second lines in said section; also by adding the following additional section:

Section —, That this act shall not apply to individuals and others loaning money unless it also applies to National Banks established by this State.

The question recurred on the motion to re-commit, when, on motion of Mr. Robinson, the whole matter was laid on the table.

A message was received from the Senate, informing the House of the passage of the following, and asking the concurrence of the House therein:

- S. B. No. 493: A bill to incorporate the N. C. State Grange, Patrons of Husbandry;
- S. B. No. 13: A bill to regulate the rate of interest and to prevent usury;
- S. B. No. 390: A bill to incorporate the Southern Underwriters Association; and also informing the House that the Senate had concurred in H. R. No. 125, a resolution raising a Joint Select Committee to investigate the affairs of the Albemarle and Chesapeake Canal Company, and naming Messrs. Shaw and C. M. Cooke as the Senate branch thereof.

Senate Bills Nos. 493 and 390, were referred to the Committee on Corporations;

S. B. No. 13, was placed on the calendar.

Mr. Parker was granted a leave of absence until Tuesday.

Messrs. Mullen, Pinnix and Gudger, were announced as the House branch of the Joint Select Committee to investigate the affairs of the Albemarle and Chesapeake Canal Company.

On motion of Mr. Staples, the rules were suspended, and S. B. No. 13: A bill to regulate the rate of interest, and to prevent usury, was taken up.

Mr. Staples moved to make the bill special order for tomorrow at 1 P. M.

Mr. Moring moved to refer to the Judiciary Committee, which motion was rejected.

Mr. Means moved to postpone until Monday, which motion was rejected by the House.

The question recurring on Mr. Staple's motion to make special order for to-morrow at 1 P. M., a vote was taken and it prevailed.

By consent, Mr. Greene introduced a resolution appointing commissioners to survey and locate the boundry line between this State and Tennessee.

The resolution was referred to the Judiciary Committee.

Mr. Walker of Richmond, by consent, presented a petition from citizens of New Hanover county, asking the establishment of the new county of Pender.

The petition was placed on the calendar.

#### SECOND SPECIAL ORDER.

S. B. No. 192, H. B. No. 424: A bill to create the county of Pender, was taken up, when, on motion of Mr. Norment, the House adjourned until to-morrow at 10 A. M.

# FIFTY-FIRST DAY.

WEDNESDAY, February 10th, 1875.

The House met at 10 o'clock, Mr. Speaker Robinson in the chair.

On motion of Mr. Reid, the reading of the Journal of yesterday was dispensed with.

# INTRODUCTION OF PETITIONS, &C.

By Mr. Dortch: A petition of citizens of the county of Wayne, praying the General Assembly not to pass usury laws;

By Mr. Pinnix: A petition from citizens of the county of Davidson, asking for strict usury laws; both of which were placed on the calendar.

By Mr. Mendenhall: A petition from citizens of Guilford county, asking for a law to improve the stock of neat cattle, sheep and hogs, which was referred to the Committee on Agriculture, Mechanics and Mining.

By Mr. Dula: A memorial from citizens of the county of Wilkes in relation to the removal of the court house of said county, which was referred to the Committee on Cities, Counties, &c.

#### REPORTS OF STANDING COMMITTEES.

Mr. Barnhardt, of Caldwell, from the Committee on Propositions and Grievances, reported favorably on the following bills:

H. B. No. 499: A bill to prohibit the sale of intexicating drinks within one mile of the court house of Dallas, Gaston county;

H. B. No. 514: A bill to amend chapter 184, of the laws of 1850-'51, entitled an act to encourage sheep raising in the counties of Watauga and Ashe;

H. B. No. 501: A bill empowering the county commissioners of certain counties to reduce the official bonds of certain county officers; and on

H. B. No. 502: A bill to amend chapter 14, private laws of 1869-'70.

Mr. Staples, from the Joint Committee on the Insane Asylum, reported back

H. B. No. 468: A bill relating to lunatics in several counties of the State, with a substitute therefor, and recommended the passage of the bill as substituted.

Mr. Finger, from the Committee on Enrolled Bills, reported the act to amend the act to consolidate the act incorporating the town of Lenoir, Caldwell county, and the acts amendatory thereof, as being correctly enrolled, and it was duly ratified and transmitted to the Senate for ratification by the President of that body.

Mr. Shackelford, from the Committee on Engrossed Bills, reported

H. R. No. 141: A resolution in favor of the Dismal Swamp Canal, as correctly engrossed; also engrossed House amendments to H. B. No. 367;

H. B. No. 397: A bill in relation to fences in Iredell county; and a message was sent to the Senate transmitting the same and asking concurrence therein.

Leave of absence was granted to Mr. Mizell from and after to morrow until Thursday next, on account of sickness in his family.

Mr. Moring rose to a question of personal privilege in connection with the report of his position on the bill in relation to the Western North Carolina Railroad, as made in one of the daily papers in this city.

On motion of Mr. Hicks, H. B. No. 341 was ordered to be withdrawn from the Committee on Propositions and Grievances and re-placed on the calendar.

#### UNFINISHED BUSINESS.

The unfinished business of yesterday, being a bill to create the county of Pender, was taken up.

Mr. Moring moved that the bill be indefinitely postponed.

Mr. Staton called the previous question.

Mr. Boyd gave notice of an amendment on the third reading of the bill.

Mr. Hanner gave notice of an amendment.

The main question was put and sustained, and the question was then put on the motion to indefinitely postpone, and the motion to postpone was rejected.

The bill was put on its second reading, and Mr. Hanner sent forward the following amendment:

Provided, That this act shall have no force or effect until submitted to and ratified by a majority of the voters who may be, at the date of the passage of the act, bona fide residents of the new county herein provided for."

On the passage of the bill on its second reading, Mr. Sharpe demanded the yeas and nays. The call was sustained, and the bill passed by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Barnhardt of Caldwell, Barrett, Bennett, Bettis, Bizzell, Bryan, Bryson, Carson, Davis of Haywood, Davis of Jackson, Dortch, Eatman, Erwin, Etheridge, Fields, Finger, Freeman, Gash, Greene, Gudger, Haymore, Holt, Hooker, Hurley, Jessup, Martin, McCalop, McNeill, McRae, Means, Mebane, Mendenhall, Mitchell, Moseley, Mullen, Oaksmith, Parrott, Presson, Proffitt, Richardson, Shackelford, Smith of Anson, Smith of Hyde, Staples, Staton, Stowe, Tate, Thompson of Lincoln, Walker of Richmond, Walker of Tyrrell, Wells, Whitley, Wiley and Woodhouse—55.

The following gentlemen voted in the negative:

Messrs. Atwater, Barnett, Bernheardt of Rowan, Blythe, Boyd, Brewington, Bunn, Candler, Carter, Cary, Crews, Dula,

Foote, Gaither, Garrison, Glenn, Godwin, Good, Hanner, Harrison, Hill, Hughes, Jetton, Johnston, Jones, Kendall, King, Latta, Lloyd, McCubbins, Mock, Moore, Moring, Munden, Newell, Norment, Page, Patton, Pinnix, Reid, Sharpe, Stephenson, Thorne, Walden, Ward, White and Wood—47.

# THE SPECIAL ORDER,

Being H. B. No. 245: A bill to amend an act to amend chapter 111, section 32, of Battle's Revisal, concerning towns, was taken up.

Mr. McRae, by consent, submitted a petition from citizens of Wilmington, praying against the passage of the said bill.

On motion of Mr. Walker, of Richmond, the further consideration of the bill was postponed, and it was made special order for Monday next, at 12 o'clock.

Mr. Walker, of Richmond, moved that the bill to establish the county of Pender be made the special order for 12 o'clock to-morrow, and it was so ordered.

The second special order, a resolution in favor of Judge Mc-Kay, was announced.

The question was put on the motion to reconsider the vote by which the bill had failed to pass. The reconsideration was had, and the bill was put on its second reading and passed.

Upon going to its third reading, Mr. Eatman demanded the yeas and nays, but withdrew his motion, and the bill passed its third reading, and was ordered to be engrossed and sent to the Senate.

Mr. Gudger moved to reconsider the vote by which the resolution passed its third reading, and to lay that motion on the table, and the motion to table prevailed.

A message from the Senate was received transmitting the proceedings of a certain meeting in the city of Wilmington for the consideration of the House of Representatives.

By consent, Mr. Moore introduced a bill to incorporate Lodge

No. 1, Grand Order of Patrons of Mercy, Wilmington, North Carolina, which was referred to the Committee on Corpcrations.

#### SPECIAL ORDER.

S. B. No. 13: A bill to regulate the rate of interest and to prevent usury, was taken up as the special order of the hour.

Mr. Gash moved to refer to the Judiciary Committee.

Mr. Green moved to lay the motion to refer on the table.

The Speaker ruled that the prevalence of that motion would carry the bill with it.

Mr. Green asked leave to withdraw the motion, but objection was raised.

On call of Mr. Dortch, the yeas and nays were had, and the motion to table was rejected by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Barnett, Barrett, Bennett, Gash, Gudger, Hanner, Harrison, Holt, Hooker, Jessup, Johnston, King, McCalop, McIver, McRae, Mebane, Moring, Mullen, Norment, Oaksmith, Page, Reid, Richardson, Smith of Hyde, Staton, Stephenson, Walker of Richmond, Walker of Tyrrell and Wiley—29.

The following gentlemen voted in the negative:

Messrs. Atwater, Barnhardt of Caldwell, Bettis, Blythe, Brewington, Bryson, Bunn, Candler, Carson, Carter, Cary, Crews, Davis of Haywood, Davis of Jackson, Dortch, Dula, Eatman, Erwin, Etheridge, Fields, Finger, Foote, Freeman, Gaither, Garrison, Glenn, Godwin, Good, Green, Haymore, Hicks, Hill, Hughes, Hurley, Jetton, Jones, Kendall, Latta, Lloyd, Martin, McCubbins, McNeill, Means, Mendenhall, Mitchell, Mizell, Mock, Moseley, Munden, Newell, Patton, Pinnix, Presson, Shackelford, Sharpe, Smith of Anson, Staples, Stowe, Tate, Thompson of Lincoln, Thorne, Walden, Ward, White, Whitley, Wood and Woodhouse—67.

The question recurred on the motion to refer, and, a vote being taken, it was rejected.

Mr. Oaksmith moved to adjourn. Lost.

Mr. Gudger moved to postpone until Friday, at 12 o'clock. Lost.

Mr. Staples moved to adjourn.

Before putting the question of adjournment, the Speaker directed that the message from the Senate, transmitting engressed Senate amendments to H. B. No. 496, S. B. No. 561: A bill to prevent live stock from running at large in Cabarrus and certain other counties, and asking concurrence therein, should be announced. The Speaker also stated that the question of concurrence or non-concurrence would be put to-morrow.

The question was then put on Mr. Staple's motion to adjourn, and it was carried, and the Speaker accordingly adjourned the House until to-morrow, at 10 A. M.

# FIFTY-SECOND DAY.

THURSDAY, February 11th, 1875.

Pursuant to adjournment, Mr. Speaker Robinson called the House to order at 10 o'clock, A. M.

Prayer by the Rev. Mr. Rich, of the city.

The Journal of yesterday was read and approved.

#### REPORTS OF STANDING COMMITTEES.

Mr. McRae, from the Committee on the Judiciary, reported favorably on

H. B. No. 384: A bill to amend chapter 113, laws of 1868-'69, as brought forward in Battle's Revisal, chapter 45, section 115; and unfavorably on

H. B. No. 510, S. B. No. 469: A bill to amend section 3, chapter 80, Battle's Revisal;

H. B. No. 509: A bill to repeal chapter 104, laws of 1873-'74, and to re-enact section 19, chapter 112, Battle's Revisal, and recommending that the Senate substitute for

H. B. No. 13, S. B. No. 112: A bill to amend sections 264, 265, 268, 270, 271, 272, 273 and 274, Battle's Revisal, be not adopted, and asking a committee of conference thereon.

Mr. Tate, from the Committee on Finance, reported favorably on

H. R. No. 151, S. R. No. 279: A resolution in favor of the convicts at the Penitentiary.

Mr. Mendenhall, from the Committee on Education, reported favorably, with amendment, on

H. B. No. 87: A bill to amend chapter, 90, sections 9 and 21, laws of 1872-73, as brought forward in Battle's Revisal, chapter 68, sections 35 and 47; and unfavorably on

H. R. No. 25, S. R. No. 23: A Resolution in favor of increasing and promoting the education of the colored race;

H. B. No. 210: A bill to amend chapter 270, section 91, laws of 1868-'69, as brought forward in Battle's Revisal, chapter 78, section 82; and

H. B. No. 53: A bill to empower the commissioners of Pasquotank county to build school houses.

Mr. Shackelford, from the Committee on Engrossed Bills, reported as correctly engrossed

H. B. No. 258: A bill to incorporate the Deep River, Saxapahaw and Danville Railroad Company, and a message was sent to the Senate transmitting the same, and asking for concurrence therein.

## INTRODUCTION OF BILLS.

The following bills were introduced, and referred to the Committee on Propositions and Grievances:

By Mr. Hooker: A bill to prohibit the sale of spirituous

liquor within two miles of Little Creek church, Greene county.

By Mr. Means, with petition: A bill to prohibit the sale of spirituous liquor within two and one half miles of Rocky River church, Cabarrus county.

By Mr. King: A bill amendatory of the act to amend the charter of the North Carolina Railroad Company, and for other purposes. Referred to the Committee on Internal Improvements.

By Mr. Wheele, (with petition): A bill to amend the charter of the town of Winston for the purpose of establishing graded schools. Referred to the Committee on Education.

The Speaker put the question of concurrence or non-concurrence in the Senate amendments to

H. B. No. 496, S. B. No. 561: A bill to prevent stock from running at large in Cabarrus and certain other counties, and it was carried in the affirmative, and a message was sent to the Senate informing that body of the action of the House.

### UNFINISHED BUSINESS.

H. B. No. 520, S. B. No. 13: A bill to regulate the rate of interest and to prevent usury, being the unfinished business of yesterday, its consideration was announced by the Speaker as being next in order.

The question recurred on the amendment of Mr. Means. Pending the debate on the subject, the hour for the

# SPECIAL ORDER,

H. B. No. 424, S. B. No. 196: A bill to create the county of Pender, was announced.

The question recurred upon the bill on its third reading.

Mr. Moring moved to postpone until Thursday next.

On the call of Mr. Barnett, the yeas and nays were had, and the motion to postpone was rejected by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Barnett, Bernheardt of Rowan, Blythe, Brewington, Bunn, Candler, Carson, Carv, Crews, Davis of Jackson, Dula, Fields, Gaither, Garrison, Glenn, Godwin, Good, Green, Hanner, Hill, Hughes, Hurley, Jetton, Jones, Kendall, Latta, Lloyd, McCubbins, McIver, McNeill, Mebane, Moore, Moring, Munden, Newell, Page, Patton, Pinnix, Scott, Sharpe, Stephenson, Strong, Thorne, Trivett, Walden, Ward, Wheeler, Whisnant, White and Wood—50.

The following gentlemen voted in the negative:

Messrs. Anderson, Atwater, Barnhardt of Caldwell, Barrett, Bennett, Bettis, Bizzell, Bryan, Bryson, Davis of Haywood, Dortch, Eatman, Erwin, Etheridge, Finger, Freeman, Gash, Gudger, Haymore, Hicks, Holt, Hooker, Isler, Jessup, King, Martin, McCalop, McRae, Means, Mendenhall, Mitchell, Mock, Moseley, Mullen, Oaksmith, Parrott, Presson, Proffitt, Richardson, Shackelford, Smith of Anson, Smith of Hyde, Staples, Staton, Stowe, Tate, Thompson of Beaufort, Thompson of Lincoln, Walker of Richmond, Walker of Tyrrell, Wells, Whitley, Wiley and Woodhouse—54.

Mr. Moring offered the following amendment:

Provided, That this act shall have no effect until ratified by a majority of the voters who may be bona fide residents of said proposed new county at the date of the passage of this act, and for this purpose the commissioners of New Hanover county are hereby required to order an election on the first Monday of May, 1875.

On the call of Mr. Staton, the previous question was ordered.

The question recurred on Mr. Moring's amendment.

On the call of Mr. Moring, the yeas and nays were had, and the amendment was rejected by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Barnett, Bernheardt of Rowan, Blythe, Brewington, Bunn, Candler, Carson, Cary, Crews, Dula, Elliott, Foote, Garrison, Glenn, Godwin, Good, Hanner, Hill, Hughes, Jones, Latta, Lloyd, McNeill, Moore, Moring, Munden, Newell, Pinnix, Scott, Staples, Stephenson, Thorne, Trivett, Walden, Ward, Wheeler, Whisnant, White and Wood—39.

The following gentlemen voted in the negative:

Messrs. Anderson, Atwater, Barnhardt of Caldwell, Barrett Bennett, Bettis, Bizzell, Bryan, Bryson, Davis of Haywood, Davis of Jackson, Dortch, Eatman, Erwin, Etheridge, Fields, Finger, Freeman, Gaither, Gash, Green, Gudger, Haymore, Holt, Hooker, Isler, Jessup, Jetton, Johnston, Kendall, Martin, McCalop, McCubbins, McRae, Means, Mebane, Mendenhall, Mitchell, Mock, Moseley, Mullen, Oaksmith, Parrott, Patton, Presson, Proffitt, Richardson, Shackelford, Sharpe, Smith of Anson, Smith of Hyde, Staton, Stowe, Strong, Tate, Thompson of Beaufort, Thompson of Lincoln, Walker of Richmond, Walker of Tyrrell, Wells, Whitley, Wiley and Woodhouse—63.

The bill then passed its third reading, and was ordered to be enrolled for ratification.

Mr. Walker, of Richmond, moved to reconsider the vote by which the bill passed its third reading, and to lay that motion on the table, which motion prevailed.

The second special order, the motion made by Mr. Boyd to reconsider the vote by which the bill in relation to the Western North Carolina Railroad, failed to pass its second reading, was announced.

On motion of Mr. Tate, the matter was made special order for to-morrow at 12 M.

By consent, Mr. Gudger presented a petition from citizens of Yancey county, asking the prohibition of the sale of liquor in certain localities, which was referred to the Committee on Propositions and Grievances.

Leave of absence was granted to Mr. Walden, until Tuesday, on account of private business, and indefinite leave to Mr. Presson on account of sickness.

On motion of Mr. Means, a new copy of H. B. No. 4: A

bill for the more effectual prosecution of offenders against the criminal laws of the State, was ordered to be engrossed and sent to the Senate.

The consideration of the unfinished business of yesterday, the Senate bill in regard to usury, was resumed, but pending any definite action, the House, on motion, adjourned until tomorrow morning at 10 o'clock.

# FIFTY-THIRD DAY.

FRIDAY, February 12th, 1875.

The House met at 10 o'clock, Mr. Speaker Robinson in the chair.

Prayer by the Rev. Mr. Dodson.

Leave of absence was granted to Mr. Wells indefinitely, on account of sickness; to Mr. Shackelford for five days; to Mr. Bunn from and after to-day, until Wednesday next; to Mr. Reid from and after to-day until Tuesday next, on account of sickness in his family; to Mr. Glenn until Tuesday next; to Mr. Mendenhall for to-morrow; to Mr. Foot for one week from and after to-day, on account of important private business; to Mr. Carter from Saturday until Monday; and the leave heretofore granted to Mr. Moffitt, was extended to Monday next.

# PETITIONS, &C.

By Mr. Bennett: A petition from certain citizens of Brunswick county asking the prohibitory liquor law at Summerville, be extended to five miles.

By Mr. Candler: A petition from citizens of Buncombe, asking for the incorporation of Reynold's Chapel.

By Mr. Candler: A petition from citizens of Buncombe

county, to incorporate New Found church, and Dick's Creek Chapel, and Bethel church, in the county of Buncombe.

By Mr. McRae: A petition from citizens of Cumberland county, asking the prohibition of the sale of liquor in certain localities. All of which were referred to the Committee on Propositions and Grievances.

By Mr. McRae: A petition from citizens of the city of Wilmington, praying against the enactment of the usury law, now before the General Assembly.

By Mr. Sharpe: Three several memorials from citizens of the county of Iredell, all to the same effect, and they were placed on the Calendar.

### REPORTS OF STANDING COMMITTEES.

Mr. Richardson, from the Committee on Corporations, reported favorably on

H. B. No. 521: A bill to incorporate Lodge No. 1, Grand Order of Patrons of Mercy, Wilmington, N. C.

Mr. Walker, of Richmond, from the Committee on the Judiciary, reported on

H. B. No. 430: A bill to amend section 13, chapter 63, Battle's Revisal, with a substitute, and recommended that the bill, as substituted, do pass.

Mr. King, from the Committee on Engrossed Bills, reported that the following had been correctly engrossed, and they were transmitted to the Senate, with a message, asking concurrence therein:

H. R. No. 76: A resolution in favor of the salary of Judge McKay;

H. B. No. 438: A bill to incorporate the Roanoke Valley Railroad; and engrossed amendments to

S. B. No. 143, H. B. No. 443: A bill to incorporate the Yadkin River and Wilkesboro Navigation Company.

Mr. Finger, from the Committee on Enrolled Bills, reported

that the following were correctly enrolled, and they were ratified by the Speaker of the House, and ordered to be transmitted to the Senate to be ratified by the President of that body:

An act to prevent live stock from running at large in Cabarrus and certain other counties;

An act to repeal section 17, chapter 112, Battle's Revisal; An act to amend chapter 12, Battle's Revisal, concerning building associations; and

An act concerning fences in Iredell and certain other counties.

### INTRODUCTION OF RESOLUTIONS.

By Mr. Oaksmith: A resolution regarding Federal relations, which was placed on the calendar; and

By Mr. Eatman: A resolution in regard to Constitutional amendments, which was referred to the Committee on Constitutional Reform.

#### INTRODUCTION OF BILLS.

By Mr. Dortch: A bill for the relief of Mike Woods, which was referred to the Committee on Finance.

By Mr. Hurley: A bill with petition to authorize the county commissioners of Montgomery county to levy a special tax;

By Mr. McRae: A bill to prevent the sale of spirituous liquors within three miles of Cumberland Union church, Cumberland county. Both of which were referred to the Committee on Propositions and Grievances.

By Mr. McCubbins: A bill to amend an act entitled an act to authorize the board of county commissioners of Rowan county to subscribe to the capital stock of the Yadkin Railroad Company; and

By Mr. Walker, of Richmond: A bill to establish the bank

of Wilmington. Both of which was referred to the Committee on Corporations.

A message from the Senate was announced transmitting the following:

- S. B. No. 453: A bill to incorporate the town of Shelby, in the county of Cleaveland;
  - S. B. No. 303: A bill to change the time of Salisbury;
- S. B. No. 426: A bill to repeal a part of section 1, chapter 171, laws of 1872'-73, &c.
- S. B. No. 552: A bill to incorporate the town of Shoe Heel, in the county of Robeson;
- S. B. No. 447: A bill to prevent the sale of spirituous liquors within three miles of Kitt Swamp church;
- S. B. No. 433: A bill to incorporate the town of Middleton, in Hyde county; and engrossed Senate amendments to
- H. B. No. 279, S. B. No. 417: A bill to incorporate the town of Marlboro', in the county of Pitt. They were read the first time, and were appropriately referred or disposed of, as follows:

Senate Bills Nos. 453, 552 and 433, to the Committee on Corporations:

S. B. No. 303, to the Committee on the Judiciary; and Senate Bills No. 426 and 447, to the Committee on Propositions and Grievances.

And the Senate amendments to H. B. No. 279, were concurred in by the House, and the bill was ordered to be enrolled for ratification.

The first special order was announced, being the motion of Mr. Boyd to reconsider the vote by which H. B. No. 221, failed to pass.

Mr. Staples moved to postpone present consideration of the motion to reconsider; and

On motion of Mr. Patton, it was made the special order for Monday next at 12 o'clock.

The second special order being H. B. No. 135, concerning corporations, was taken up; and

On motion of Mr. McRae, was postponed and made special order for Tuesday next at 11 o'clock.

The third special order, being H. R. No. 153: Resolution in relation to the Civil Rights bill, was taken up, but on motion of Mr. McRae, further consideration was postponed until the conclusion of the argument of Mr. Staples on the usury bill.

At the conclusion of said argument, the consideration of the resolution was resumed.

Mr. Oaksmith sent forward a substitute therefor.

Mr. Glenn moved to postpone the consideration of the resolution and the substitute until Thursday next, and the motion to postpone prevailed.

The consideration of S. B. No. 13 was resumed, and the question was on the amendment offered by Mr. Means.

Mr. Mebane sent forward the following amendment to the amendment, which was accepted by the House: Insert after the word "apply" the words "equally in all respects."

Leave of absence was granted to Mr. Boyd until Thursday next on account of important private business, and for the same reason to Mr. Moore until Wednesday next.

A message was received from the Senate, transmitting engrossed Senate amendments to

H. B. No. 347, S. B. No. 519: A bill concerning the city of Raleigh.

The question upon concurrence was put to the House and was carried, and the bill was ordered to be enrolled for ratification.

A message was announced from the Senate transmitting

- S. B. No. 358: A bill to amend section 53, chapter 17, subchapter 4, Battle's Revisal;
- S. B. No. 582: A bill to amend chapter 137, public laws 1873-74;
- S. B. No. 209: A bill to incorporate Mattamuskeet Lodge, A. F. A. 328;
- H. B. No. 392: A bill to incorporate the Border North Carolina Railroad.

And they were read the first time and referred as follows: Senate bills No. 358 and No. 582, to the Judiciary Committee.

S. B. No. 209: To the Committee on Corporations; and

S. B. No. 392: To the Committee on Internal Improvements.

Leave of absence was granted to Mr. Kendall, and to Mr. Norment until Wednesday next.

On motion of Mr. Walker, of Richmond, the House adjourned until to-morrow at 10 o'clock.

# FIFTY-FOURTH DAY.

SATURDAY, February 13th, 1875.

The House met at 10 o'clock, Mr. Speaker Robinson in the chair.

The Journal of yesterday was read and approved.

# INTRODUCTION OF PETITIONS, &C.

by Mr. King: A petition from citizens of Cherokee county, in relation to the Hiwassee Turnpike Charter, which was referred to the Committee on Finance.

By Mr. Dortch: A petition from citizens of Wayne county, praying the General Assembly of North Carolina to pass the usury bill now before that body; and

By Mr. Finger: A petition from citizens of Catawba to the same purpose, both of which were placed on the Calendar.

## REPORTS OF STANDING COMMITTEES.

Mr. Barnhardt, of Caldwell, from the Committee on Propositions and Grievances, reported on

H. B. No. 530: A bill to authorize the commissioners of Montgomery county to levy a special tax, with an amendment, and recommended, with the adoption of the amendment, the passage of the bill.

Mr. Richardson, from the Committee on Corporations, re-

ported favorably on

S. B. No. 552, H. B. No. 536: A bill to amend an act to incorporate the town of Shoe Heel, in the county of Robeson; on

- H. B. No. 532: A bill to amend an act to authorize the board of county commissioners of Rowan county to subscribe to the capital stock of the Yadkin Railroad Company;
- S. B. No. 390, H. B. No. 518: A bill incorporating the Southern Underwriters' Association; on
- S. B. No. 433, H. B. No. 535: A bill to incorporate the town of Middleton, in the county of Hyde;
- S. B. No. 209, H. B. No. 540: A bill to incorporate Mattamuskeet Lodge, A. F. A; on
- S. B. No. 493, H. B. No. 519: A bill to incorporate the N. C. State Grange, Patrons of Husbandry;
- S. B. No. 374, H. B. No. 488: A bill to incorporate the Cleveland Savings Bank, in the town of Shelby, Cleveland county; on
- S. B. No. 453, H. B. No. 534: A bill to incorporate the town of Shelby, in the county of Cleveland.

## INTRODUCTION OF BILLS.

By Mr. Parrott: A bill to amend the charter of the town of LaGrange, in the county of Lenoir; and

By Mr. Davis, of Haywood: A bill to incorporate the American Mining Company, in the county of Haywood. Both of which were referred to the Committee on Corporations.

By Mr. King: A bill to prohibit the carrying of side arms in the Twelfth Judicial District, which was referred to the Committee on Propositions and Grievances. By Mr. Blythe: A bill to amend section 2, chapter 38, of Battle's Revisal; and

By Mr. Jetton: A bill to amend section 11, chapter 53, Battle's Revisal. Both of which were referred to the Committee on the Judiciary.

By Mr. Tate: A bill in relation to the Western North Carolina Railroad, which was ordered to be printed.

On motion of Mr. Strong,

H. B. No. 455: A bill to incorporate the Shaw University, was put on its several readings and passed, and was ordered to be engrossed and sent to the Senate.

Mr. Strong moved that the vote by which the bill passed its third reading, be reconsidered, and that motion be laid on the table; and the motion to table prevailed.

Leave of absence was granted Mr. Mitchell, indefinitely, on account of sickness.

To Mr. Mizzell until Tuesday next, on account of private business; and

To Mr. Carey, from and after to-day until Thursday, on account of sickness.

The unfinished business of yesterday, being

S. B. No. 13, was resumed.

The question was on the amendment of Mr. Means.

Mr. Moring moved to indefinitely postpone the whole matter, but withdrew his motion, by leave of the House, to proceed with his remarks.

Mr. Gudger renewed the motion to postpone indefinitely, which was withdrawn by him, and the question was again on the amendment, on which Mr. Gudger called the yeas and nays.

On the call of Mr. Staples, the previous question was ordered.

Several notices of amendments were given.

The amendment of Mr. Means was then rejected by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Atwater, Barrett, Bennett, Boyd, Bryan, Bryson, Carson, Finger, Gash, Holt, Hooker, Isler, Jessup, Jetton, Johnston, King, McCalop, McIver, McRae, Mebane, Moring, Moseley, Oaksmith, Page, Richardson, Smith of Hyde, Staton, Stephenson, Strong, Tate, Thompson of Beaufort, Walker of Richmond, Wheeler, Wiley, Wood and Woodhouse—37.

The following gentlemen voted in the negative:

Messrs. Barnhardt of Caldwell, Bernheardt of Rowan, Bettis, Blythe, Candler, Crews, Davis of Haywood, Davis of Jackson, Dorth, Eatman, Elliott, Erwin, Etheride, Fields, Freeman, Gaither, Garrison, Godwin, Good, Green, Griffin, Gudger, Haymore, Hill, Hughes, Hurley, Latta, Lloyd, Martin, McCubbins, McNeill, Mock, Mullen, Munden, Newell, Patton, Pinnix, Sharpe, Smith of Anson, Staples, Stowe, Thompson of Lincoln, Thorne, Trivett, Walker of Tyrrell, Ward, Whisnant, White and Whitley—49.

Mr. Gudger having voted in the affirmative, asked leave to change his vote, and gave notice in so doing, his object was to reconsider.

Mr. Gudger moved to adjourn, which motion the Speaker ruled out of order during the pendency of the previous question.

Mr. Gudger moved to reconsider the vote by which the House refused to adopt Mr. Mean's amendment, and to lay that motion on the table.

Mr. Gudger asked permission to withdraw the motion to table.

Objection being made, Mr. Mebane moved that the gentleman (Mr. Gudger) be allowed to withdraw his motion.

On the call of Mr. Gudger, the yeas and nays were called, and the House refused to permit the withdrawal of the motion to table by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Barrett, Bennett, Finger, Gash, Gudger, Hill, Holt, Hooker, Isler, Jessup, Johnston, McCalop, McIver, McRae, Mebane, Moring, Oaksmith, Page, Richardson, Smith of Hyde, Staton, Stephenson, Strong, Thompson of Beaufort, Walker of Richmond, and Wiley—26.

The following gentlemen voted in the negative:

Messrs. Anderson, Atwater, Barnhardt of Caldwell, Bernheardt of Rowan, Bettis, Blythe, Brewington, Bryan, andler Carson, Crews, Davis of Haywood, Davis of Jackson, Dortch, Eatman, Elliott, Irwin, Etheridge, Fields, Freeman, Gaither, Garrison, Godwin, Good, Green, Griffin, Haymore, Hicks, Hurley, King, Latta, Lloyd, Martin, McCubbins, McNeill, Mock, Moseley, Munden, Newell, Patton, Pinnix, Proffitt, Sharpe, Smith of Anson, Staples, Stowe, Tate, Thompson of Lincoln, Thorne, Trivett, Walker of Tyrrell, Ward, Whisnant, White, Wood and Woodhouse—55.

The question then recurred on the motion of Mr. Gudger to reconsider, and to lay that motion on the table.

The ayes and nays were called, and the House adopted the motion by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Barnhardt of Caldwell, Bernheardt of Rowan, Bettis, Blythe, Brewington, Candler, Carson, Crews, Davis of Haywood, Davis of Jackson, Dortch, Dula, Eatman, Elliott, Erwin, Fields, Freeman, Gaither, Garrison, Godwin, Good, Green, Griffin, Haymore, Hicks, Hill, Hughes, Hurley, Latta, Lloyd, Martin, McCubbins, Mock, Moseley, Mullen, Munden, Newell, Patton, Pinnix, Sharpe, Smith of Anson, Staples, Stowe, Thompson of Lincoln, Thorne, Trivett, Walker of Tyrrell, Ward, Whisnant, White, Whitley, Wood and Woodhouse—53.

The following gentlemen voted in the negative:

Messrs. Anderson, Barrett, Bennett, Boyd, Bryan, Bryson, Finger, Gash, Gudger, Holt, Hooker, Isler, Jessup, Johnston, King, McCalop, McIver, McNeill, McRae, Mebane, Moring, Oaksmith, Page, Richardson, Smith of Hyde, Staton, Stephenson, Strong, Tate, Thompson of Beaufort, Walker of Richmond, Wheeler and Wiley—33.

The question then recurred on the following amendment of Mr. Oaksmith, which was rejected:

*Provided*, That the penalties imposed by this act shall attach equally to both parties to any contract where its provisions are sought to be applied.

The question next recurred on the following amendment by Mr. Mebane:

Provided, That this act shall not go into effect until the first day of March, 1876.

Pending a vote on the last named amendment, Mr. Staples, by consent of the House, withdrew the call for the previous question, whereupon the House adjourned until Monday morning at 10 A. M.

# FIFTY-FIFTH DAY.

Monday, February 15th, 1875.

The House met at 10 o'clock, Mr. Speaker Robinson in the chair.

Prayer by the Rev. Mr. Atkinson, of this city.

The Journal of Saturday was read and approved.

# INTRODUCTION OF PETITIONS, &C.

By Mr. King: A memorial from citizens of Cherokee county, praying for authority to levy a special tax for the purpose of repairing the bridge across the Hiwassee river near Murphy.

By Mr. Sharpe: A petition from citizens of Iredell county, praying the enactment of a prohibitory law to restrain the sale of spirituous liquors within two miles of Bethel Baptist

church, in said county. Both of which were referred to the Committee on Propositions and Grievances.

By Mr. Dula: A petition from citizens of Wilkes county, praying for the opening of a public road from Friendship church, on the Wilkesboro and Jefferson turnpike, to the Mulberry road at the Horse Gap, near the top of the Blue Ridge, which was referred to the Committee on Railroads, Post Roads and Turnpikes.

By Mr. Wood: A petition from citizens of Woodville, in the county of Perquimans, for the incorporation of said town; and

By Mr. Mullen: A counter petition from citizens of the same town. Both of which were referred to the Committee on Corporations.

By Mr. Isler: A memorial from citizens of Wayne county, against usury laws, which was placed on the calendar.

# REPORTS OF STANDING COMMITTEES.

Mr. King from the Committee on Engrossed Bills, reported that H. B. No. 455: A bill to incorporate the Shaw University, had been correctly engrossed, and a message was sent to the Senate transmitting the same, and asking the concurrence of that body therein.

Mr. Richardson, from the Committee on Corporations, reported favorably on

H. B. No. 553: A bill to establish the City Bank of Wil mington.

Mr. Patton, from the Committee on Internal Improvements, reported favorably on

S. B. No. 300, H. B. No. 427: A bill to incorporate the Albemarle and Roanoke Railroad Company.

# INTRODUCTION OF RESOLUTIONS.

By Mr. McCubbins: Resolution in regard to night sessions, which was placed on the calendar.

### INTRODUCTION OF BILLS.

By Mr. Staton: A bill to authorize the commissioners of Pitt county to levy a special tax, which was referred to the Committee on Finance.

By Mr. Blythe: A bill requiring the Bible to be read in the public schools, which was referred to the Committee on Education.

By Mr. King: A bill to authorize the commissioners of Cherokee county to levy a special tax; and

By Mr. Dula: A bill to prohibit the sale of spirituous liquors within one half a mile of Cub Creek church, Wilkes county. Both of which were referred to the Committee on Propositions and Grievances.

By Mr. Dula: A bill to establish a public road from Friendship church, in Wilkes, to the Horse Gap, near the top of the Blue Ridge, in said county; and

By Mr. Davis, of Haywood: A bill to amend chapter 221, laws of 1848-'49, relating to the Jonathan's creek and Tennessee Turnpike Road, in the county of Haywood. Both of which were referred to the Committee on Railroads, Post Roads and Turnpikes.

By Mr. Gash: A bill in relation to Strays, which was referred to the Committee on Agriculture, Mechanics and Mining.

By Mr. Parrott: A bill to create another township in the county of Lenoir, which was referred to the Committee on Cities, Towns, &c.; and

By Mr. Tate: A bill concerning the revenue of the State, known as the Machinery Bill, which was ordered to be printed.

Mr. Pinnix rose to a question of personal privilege in regard to the report of his remarks of Saturday last in the discussion of the usury bill, as appearing in the *Daily News*, of this city.

#### THE FIRST SPECIAL ORDER.

H. B. No. 22: A bill to regulate the Militia, &c., was taken up, and, on motion of Mr. Mebane, its consideration was postponed, and it was made special order for Friday next at 11 o'clock.

The unfinished business of Saturday, being

S. B. No. 13: A bill in relation to usury, was resumed.

Mr. Tate gave notice of an amendment.

Mr. McRae sent forward the following amendments, which were read for the information of the House:

"Provided, That the rate of interest set forth in the contract shall be conclusive evidence as to the rate agreed upon by the parties."

Amend section 4: "Strike out the words "in conformity with law."

"Provided, That the penalties prescribed in this act, shall not be construed to be applicable to any person or corporation loaning money to any joint stock company or corporation."

Mr. Richardson sent forward the following amendment, which was read for the information of the House:

Amend by inserting between section 2 and section 3 the following:

"Section 3. That no corporation, banking institution or company, shall pay any interest on deposit; and any corporation, banking institution or company, violating the provisions of this section shall be guilty of a misdemeanor, and on conviction in the Superior Court, shall be fined not less than one hundred dollars, nor more than one thousand dollars."

Change number of section, made necessary by this amend ment.

Mr. Oaksmith sent forward the following amendment, which was read for the information of the House:

In section 4, strike out all after the word "to" in line 3, and insert, "any Building and Loan Association now in operation, or hereafter to be put in operation under the general act, Building and Loan Associations."

The question was on the amendment of Mr. Mebane, offered on Saturday.

Mr. Gudger moved to indefinitely postpone, and under that motion, Mr. Mebane took the floor. Pending his argument, the special order being

H. B. No. 245: A bill to amend chapter 111, section 32, of Battle's Revisal, concerning towns, was announced, but by general consent, was postponed until the conclusion of the argument of Mr. Mebane.

And upon its conclusion, the special order was resumed, and on motion, the bill was farther postponed and made special order for Saturday next at 12 o'clock.

The second special order being the motion of Mr. Boyd to reconsider the vote by which H. B. No. 245: A bill in relation to the Western North Carolina Railroad, failed to pass its second reading.

The question was put on the motion to reconsider, and it prevailed, and the bill was then, on the motion of Mr. Tate, made the special order for Wednesday at 12 o'clock.

Leave of absence was granted to Mr. Mullen from and after to-day for ten days, on account of important private business, and to Mr. Parrott from and after to-day until Thursday for same reason.

The discussion of S. B. No. 13, was resumed, and pending said debate, a message from his Excellency, the Governor, transmitting a communication from the Secretary of the Board of Trustees of the University, announcing an existing vacancy in said board and others soon to occur, was announced.

On motion of Mr. Walker, of Richmond, the message and

accompanying documents were ordered to be transmitted to the Senate with a proposition to print.

A message was received from the Senate announcing the passage of the following bills and resolutions, and asking concurrence therein:

- S. B. No. 468: A bill to authorize the commissioners of Guilford and Rockingham counties to employ convict labor to drain certain lands in said counties;
- S. R. No. 607: A resolution in favor of W. H. Morriss & Co.;
- S. B. No. 406: A bill to amend the charter of the town of Beaufort;
- S. R. No. 400: A resolution in favor of James I. Moore, sheriff of Granville county;
- S. B. No. 90: A bill to amend an act entitled an act to charter the Carolina Narrow Gauge Railroad, ratified February 8th, 1872;
- S. B. No. 372: A bill to incorporate the Piney Creek Baptist church, Alleghany county;
- S. B. No. 564: A bill to authorize the board of commissioners of Currituck county to issue bonds, and for other purposes;
- S. B. No. 560: A bill to incorporate the town of Mount Mourne, Iredell county;
- S. B. No. 511: A bill to incorporate the Direct Trade Union, Patrons of Husbandry;
- S. B. No. 349: A bill to amend an act ratified the 28th of December, 1838, entitled an act to establish a Literary and Manual Labor Institution, in Wake county, passed in 1833;
- S. R. No. 611: A resolution concerning the funeral expenses of the late Governor Tod R. Caldwell. They were read the first time, and appropriately referred, as follows:

Senate Bills Nos. 372, 560 and 511, were referred to the Committee on Corporations;

Senate resolutions Nos. 607 and 611, were referred to the Committee on Claims;

- S. B. No. 468, was referred to the Judiciary Committee;
- S. B. No. 90, was referred to the Committee on Internal Improvements;
- S. B. No. 564 and S. R. No. 400, were referred to the Finance Committee;
- S. B. No. 349, was referred to the Committee on Education:
- S. B. No. 406, was referred to the Committee on Counties, Cities, Towns, &c.

Mr. Elliott was granted an indefinite leave of absence, on account of sickness.

Mr. Walker, of Richmond, moved to adjourn until half past 3 P. M. Lost.

Mr. McIver moved to adjourn until half past 7 P. M. Lost. On motion of Mr. Moring, the House adjourned until tomorrow at 10 A. M.

# FIFTY-SIXTH DAY.

Tuesday, February 16th, 1875.

The House met at 10 o'clock, Mr. Speaker Robinson in the chair.

Prayer by the Rev. Mr. Marshall, of this city.

The Journal of yesterday was read and approved.

# INTRODUCTION OF PETITIONS, &C.

By Mr. Walden: A petition from citizens of Northampton county, asking the enactment of a prohibitory liquor law.

By Mr. Greene: A petition from citizens of Watauga county for the protection of fish in New river.

By Mr. Tate: A petition from citizens of Catawba county,

asking the repeal of prohibitory liquor law, as applied to Catawba College, in the town of Newton. All of which where referred to the Committee on Propositions and Grievances.

By Mr. Greene: A petition from citizens of Watauga county, to extend the jurisdiction of the Caldwell and Watauga Turnpike Company; and

By Mr. Haymore: A petition from citizens of Surry county, against the opening of a road across the Blue Ridge. Both of which were referred to the Committee on Railroads, Post Roads and Turnpikes.

By Mr. McRae: A petition of the delegates to the Cape Fear Council of Grangers, against the passage of a usury law;

By Mr. Dortch: A petition from citizens of Wayne county, praying the General Assembly to pass the usury law now before that body; and

By Mr. Dorth: Another petition from citizens of Wayne county, to the same effect. All of which were placed on the calendar.

#### REPORTS OF STANDING COMMITTEES.

Mr. Tate, from the Committee on Finance, reported favorably on the following bills:

H. B. No. 339: A bill in regard to keeping the public accounts;

H. B. No. 527: A bill for the relief of Mike Woods;

H. B. No. 548: A bill authorizing the commissioners of Pitt county to levy a special tax;

H. B. No. 469: A bill in regard to suits by and against the State Treasurer;

H. R. No. 152: A resolution in favor of Joseph Marshall, late sheriff of Stanly county;

H. B. No. 511: A bill to authorize the board of commissioners of Haywood county to levy a special tax;

S. B. No. 564, H. B. No. 557: A bill to authorize the board

of commissioners of Currituck county to issue bonds, and for other purposes; and unfavorably on

H. B. No. 214: A bill to exempt from taxation all wheat, corn, bacon and tobacco, and on

H. R. No. 131: A resolution in favor of Louis Hilliard and Thomas J. Wilson; and beg to be discharged from the further consideration of

H. B. No. 287: A bill to amend chapter 133, section 9, subdivision 4, of the laws of 1873-'74.

Mr. Woodhouse, from the Committee on Railroads, Post Roads and Turnpikes, reported favorably on

H. B. No. 552: A bill to lay off and establish a public road from Friendship church, in Wilkes county, to the Horse Gap, near the top of the Blue Ridge, in said county; and unfavorably on

H. B. No. 553: A bill to amend chapter 221, laws of 1848-'49, relating to the Jonathan's Creek and Tennessee Turnpike Road, in the county of Haywood.

Mr. McRae, from the Committee on Internal Improvements, reported on the following bills, with amendments, and recommended that the bills, so amended, do pass:

H. B. No. 439: A bill to incorporate the Fayetteville and Goldsboro' Railway Company; and

S. B. No. 392, H. B. No. 539: A bill to incorporate the Border North Carolina Railroad Company.

Mr. Gudger, from the Committee on Propositions and Grievances, reported favorably on the following:

S. B. No. 426, H. B. No. 529: A bill to repeal so much of section 1, chapter 171, laws of 1872-'73.

H. B. No. 551: A bill to prohibit the sale of spirituous liquors within one half mile of Cub Creek church, in Wilkes county.

H. B. No. 513: A bill to repeal sections 14, 15, 16 and 17, of chapter 2, Battle's Revisal.

H. B. No. 550: A bill to authorize the commissioners of Cherokee county to levy a special tax; and on

H. B. No. 253: A bill to prevent the sale of any intoxicating liquors within five miles of the Asheville and Spartanburg Railroad, with an amendment, and recommended that with the adoption of the amendment the passage of the bill.

The following bills and resolutions, reported as correctly enrolled by the Committee on Enrolled Bills, were duly ratified and transmitted to the Senate:

Resolution urging the repeal by Congress of the tax on issues of State Banks.

An act concerning the city of Raleigh.

An act to authorize the county of Carteret to compromise its debts.

An act to establish a new county by the name of Pender.

An act to incorporate the town of Marlboro', in Pitt county.

An act to amend chapter 137, section 1, of the laws of 1873-74.

An act to prohibit the sale of intoxicating liquors within two and a half miles of Hanks' Chapel church, in the county of Chatham.

# REPORT OF SELECT COMMITTEES.

Mr. Pinnix, from the Select Committee on the Albemarle and Chesapeake Canal, made a report on the subjects of investigation submitted to the committee.

#### INTRODUCTION OF RESOLUTIONS.

By Mr. Erwin: Resolution in relation to the Albemarle and Chesapeake Canal Company, which was placed on calendar.

## INTRODUCTION OF BILLS.

By Mr. Proffitt: A bill to construct a road from Burnsville to J. D. English's, in Mitchell county, which was referred to Committee on Railroads, Post Roads and Turnpikes.

#### UNFINISHED BUSINESS.

The unfinished business of yesterday, being S. B. No. 13: A bill in regard to usury, was resumed.

Before its decision, the special order, being

H. B. No. 135: A bill concerning corporations, was announced, and

On motion of Mr. McRae, was further postponed, and made special order for Tuesday next, at 12 o'clock.

The consideration of the usury bill was resumed.

Pending Mr. Oaksmith's remarks,

Mr. Gudger moved that when the House adjourns, it adjourn to meet again at 7:30 o'clock, P. M. The motion was adopted.

Mr. Oaksmith continued his remarks until the hour of 2 P. M., when he stated that he would yield to a motion to adjourn, in accordance with the motion made previously by Mr. Gudger, which motion was put to the House and carried, and the House accordingly stood adjourned until 7:30 o'clock this evening.

# NIGHT SESSION.

Pursuant to adjournment, Mr. Speaker Robinson called the House to order at 7:30 o'clock.

Leave of absence was granted to Mr. Walker, of Tyrrell, until Saturday next, on account of important private business; and indefinite leave to Mr. Hanner, on account of sickness in his family.

The Speaker announced that there was not a quorum in the Hall, when,

On motion of Mr. Richardson, a ress of ten minutes was taken.

At the expiration of the recess, the House was called to order by the Speaker.

The unfinished business, the consideration of the usury bill, was resumed.

The question recurred upon the amendment of Mr. Mebane. Pending definite action, the House adjourned until to-morrow morning at 10 o'clock.

# FIFTY-SEVENTH DAY.

Wednesday, February 17th, 1875.

The House met at 10 o'clock, Mr. Speaker Robinson in the chair.

Prayer by the Rev. Dr. Pritchard, of this city. The Journal of yesterday was read and approved.

# PETITIONS, &C.

By Mr. McIver: A petition from Swann's Station, in the county of Moore, asking that said town be incorporated, which was referred to the Committee on Corporations.

By Mr. Griffin: A petition from citizens of Nash county, asking for an act to prohibit the sale of spirituous liquors within two miles of Stanhope Academy, in said county, which was referred to the Committee on Propositions and Grievances.

By Mr. Bernhardt, of Caldwell: A petition from citizens of Caldwell county, against the passage of the usury bill; and

By Mr. Walker, of Richmond: A petition from citizens of Rockingham, protesting against the passage of the bill to incorporate the town of Great Falls, in the county of Richmond. Both of which were placed on the Calendar.

## REPORTS OF STANDING COMMITTEES.

Mr. Richardson, from the Committee on Corporations, reported favorably on the following bills:

H. B. No. 545: A bill to amend the charter of the town of LaGrange, in the county of Lenoir.

H. B. No. 470: A bill to extend the time for the organiza-

tion of certain corporations.

S. B. No. 372, H. B. No. 559: A bill to incorporate Piney Creek Baptist church, in Alleghany county; and on

S. B. No. 560, H. B. No. 560: A bill to incorporate the town of Mount Mourne, in Iredell county.

Mr. Johnston, from the Committee on Banks and Currency, reported favorably on

S. B. No. 371, H. B. No. 492: A bill to incorporate the Bank of Reidsville.

Mr. Barnhardt, of Caldwell, from the Committee on Propositions and Grievances, reported on H. B. No. 505: A bill to amend chapter 16, Battle's Revisal, entitled cattle and other stock, with a substitute therefor, and recommend that the bill, so substituted, do pass.

Mr. Gudger, from the same committee, reported unfavorably on the following bills:

H. B. No. 368: A bill to prevent the felling of timber in Eno, Little and Flat rivers, in Orange county.

H. B. No. 340: A bill to prevent the felling of trees in Big creek, in Stokes county.

H. B. No. 278: A bill to prevent the felling of timber in the run of Goshen swamp; and on

H. B. No. 224: A bill to prevent the felling of timber into the channel of South creek, Beaufort county.

Mr. Carson, from the Committee on Agriculture, Mechanics and Mining, reported favorably on

H. B. No. 554: A bill in relation to estrays.

#### INTRODUCTION OF BILLS.

By Mr. Whitley: A bill to incorporate the Raleigh Manutacturing Company of Wake county, which was referred to the Committee on Corporations.

By Mr. Erwin: A bill to provide for payment of costs and other indemnity of officers, which was referred to the Committee on the Judiciary.

By Mr. Green: A bill for the better protection of the Caldwell and Watauga Turnpike Company; and

By Mr. Griffin: A bill to prohibit the sale of spirituous liquors within two miles of Stanhope Academy, in the county of Nash; both of which were referred to the Committee on Propositions and Grievances; and

By Mr. Oaksmith: A bill to amend the general railway laws of North Carolina, which was referred to the Joint Committee on State Railroads.

By consent, Mr. Moring, from the Committee on Privileges and Elections, made a report on

H. R. No. 116: Resolution of inquiry into the right of the Representative from Warren county, J. William Thorne, to a seat in this House.

A message was received from the Senate transmitting the following bills:

- S. B. No. 481: A bill to amend the charter of the town of Durham.
- S. B. No. 538: A bill to allow the commissioners of Bladen county to levy a special tax.
- S. B. No. 600: A bill to allow the trustees of Bingham township, in Orange county, to collect arrears of taxes.
- S. B. No. 524: A bill to incorporate the Bank of Durham; and
- S. B. No. 471: A bill to incorporate the Wilmington, Raleigh and Danville Railroad.

And they were read the first time in this House, and appropriately referred, as follows:

Senate Bills No. 481 and No. 529, were referred to the Committee on Corporations.

Senate Bills No. 558 and No. 600, were referred to the Committee on Finance.

S. B. No. 471, to the Committee on Internal Improvements.

A message was received from the Senate, transmitting

S. R. No. 620: A resolution to pay witnesses and clerk in the Onderdonk investigation, which was read the first time, and placed on the calendar.

The unfinished business of yesterday was announced, but On motion of Mr. McRae, was postponed for the consideration of

S. R. No. 620, which was then put on its several readings and passed, and was ordered to be enrolled for ratification.

The unfinished business was resumed, and the question was on the amendment of Mr. Mebane.

Mr. Whitley sent forward the following amendment to the amendment, which was accepted by Mr. Mebane:

"Amend the amendment by striking out the words 'the first day of March,' and insert in lieu thereof the words, 'the first day of January.'"

Mr. Gudger sent forward the following amendments, which were read for the information of the House:

Add to section 2, the following proviso:

"Provided, That no owner of real estate, either farm or house, shall receive as rental in money, grain or any kind of produce whatsoever, any sum larger than 8 per cent. of the true cash value of the same, under the penalty of section 3 of this act."

Add to the close of section 3, the following: "And imprisonment not more than five years, nor less than one year."

At the hour of 12, the Speaker announced the

# SPECIAL ORDER,

Being H. B. No. 221: A bill in relation to the Western North Carolina Railroad. On motion of Mr. Tate, the bill was ordered to be referred to the Committee on Internal Improvements; and the same order was made as to

H. B. No. 541: A bill on the same subject. And

S. B. No. 13, was resumed.

Mr. Staples called the previous question, and the main question was ordered.

The question was upon Mr. Mebane's amendment as amended by Mr. Whitley.

Mr. Whitley wished to withdraw the amendment to the amendment, but was not allowed to do so under the operation of the previous question.

On the call of Mr. McRae, the yeas and nays were had, and the amendment was rejected by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Barnett, Barnhardt of Caldwell, Barrett, Bryan, Finger, Gash, Griffin, Gudger, Holt, Hooker, Isler, Jessup, Jetton, Johnston, McCalop, McIver, McRae, Mebane, Moffitt, Moring, Norment, Oaksmith, Page, Proffitt, Reid, Richardson, Smith of Hyde, Spears, Staton, Stephenson, Strong, Thompson of Beaufort, Walker of Richmond, Wheeler, Whitley and Wiley—36.

The following gentlemen voted in the negative:

Messrs. Anderson, Atwater, Bernheardt of Rowan, Bennett, Bettis, Brewington, Bryson, Bunn, Candler, Carson, Carter, Crews, Davis of Haywood, Davis of Jackson, Dortch, Dula, Eatman, Erwin, Etheridge, Fields, Freeman, Gaither, Garrison, Glenn, Godwin, Good, Green, Haymore, Hicks, Hill, Hughes, Hurley, Jones, Kendall, King, Latta, Lloyd, Martin, McCubbins, McNeill, Mendenhall, Mitchell, Mock, Moseley, Munden, Newell, Patton, Pinnix, Scott, Sharpe, Smith of Anson, Staples, Stowe, Tate, Thompson of Lincoln, Thorne, Trivett, Walden, Ward, Whisnant, White, Wood and Woodhouse—63.

Mr. Oaksmith was allowed to withdraw his amendment.

The question was then put on the following amendment of

Mr. Richardson. Amend by inserting between sections 2 and 3, the following:

Section 3. That no corporation, banking institution or company shall pay any interest on deposits, and any corporation, banking institution or company violating the provisions of this section, shall be guilty of a misdemeanor, and on conviction in the Superior Court, shall be fined not less than one hundred dollars nor more than one thousand dollars.

On the call of Mr. Richardson, the yeas and nays were had, and the amendment was rejected by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Barnett, Barrett, Bizzell, Bryan, Dula, Finger, Gash, Griffin, Gudger, Holt, Hooker, Isler, Jessup, Jetton, Johnston, McCalop, McIver, McRae, Mebane, Moring, Oaksmith, Page, Reid, Richardson, Scott, Smith of Hyde, Spears, Staton, Stephenson, Strong, Tate, Thompson of Beaufort, Walker of Richmond, Wheeler and Wiley—35.

The following gentlemen voted in the negative:

Messrs. Anderson, Atwater, Barnhardt of Caldwell, Bernheardt of Rowan, Bennett, Bettis, Brewington, Bryson, Bunn, Candler, Carson, Carter, Crews, Davis of Haywood, Davis of Jackson, Dortch, Eatman, Erwin, Etheridge, Fields, Gaither, Garrison, Glenn, Godwin, Good, Green, Haymore, Hicks, Hill, Hughes, Hurley, Jones, Kendall, King, Latta, Lloyd, Martin, McCubbins, McNeill, Mendenhall, Mitchell, Moffitt, Moseley, Munden, Newell, Patton, Pinnix, Proffitt, Sharpe, Smith of Anson, Staples, Stowe, Thompson of Lincoln, Thorne, Trivett, Walden, Ward, Whisnant, White, Whitley, Wood and Woodhouse—62.

The question then recurred on the following proviso of Mr. McRae:

Provided, That the rate of interest set forth in the contract

shall be conclusive evidence as to the rate agreed upon by the parties.

Mr. McRae asked the yeas and nays, but the call was not sustained, and the proviso was rejected.

The question was next taken on a second amendment, offered by the same gentleman, which struck from section 4 of the bill the words "in conformity with law."

At the call of Mr. McRae, the yeas and nays were had, and the amendment was rejected by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Bizzell, Gash, Jessup, McCalop, McIver, McRae, Oaksmith, Smith of Hyde, Thompson of Beaufort and Wheeler—10.

The following gentlemen voted in the negative:

Messrs. Anderson, Atwater, Barnett, Barnhardt of Caldwell, Bernheardt of Rowan, Barrett, Bennett, Bettis, Brewington, Bryson, Bunn, Candler, Carson, Carter, Crews, Davis of Haywood, Davis of Jackson, Dortch, Dula, Eatman, Erwin, Etheridge, Fields, Finger, Freeman, Gaither, Garrison, Glenn, Godwin, Good, Green, Griffin, Gudger, Haymore, Hicks, Hill, Holt, Hooker, Hughes, Hurley, Isler, Johnston, Jones, Kendall, King, Latta, Lloyd, Martin, McCubbins, McNeill, Mebane, Mendenhall, Mitchell, Mock, Moffitt, Moring, Moseley, Mullen, Munden, Newell, Norment, Page, Patton, Pinnix, Proffitt, Reid, Richardson, Sharpe, Smith of Anson, Spears, Staples, Staton, Stephenson, Stowe, Strong, Tate, Thompson of Lincoln, Thorne, Trivett, Walden, Walker of Richmond, Ward, Whisnant, White, Whitley, Wiley, Wood and Woodhouse—87.

The question next recurred on the following amendment, sent forward by Mr. McRae:

Provided, That the penalties prescribed in this act, shall not be construed to be applicable to any person or corporation loaning money to any joint stock company or corporation.

The yeas and nays were called, and the amendment was rejected by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Barnett, Barrett, Bizzell, Bryan, Finger, Gash, Griffin, Gudger, Holt, Hooker, Isler, Jessup, Jetton, Johnston, McCalop, McIver, McRae, Mebane, Moring, Norment, Oaksmith, Page, Reid, Richardson, Spears, Staton, Stephenson, Strong, Thompson of Beaufort, Walker of Richmond, Wheeler and Wiley—32.

The following gentlemen voted in the negative:

Messrs. Anderson, Atwater, Barnhardt of Caldwell, Bernheardt of Rowan, Bennett, Bettis, Brewington, Bryson, Bunn, Candler, Carter, Crews, Davis of Haywood, Davis of Jackson, Dortch, Dula, Eatman, Erwin, Etheridge, Fields, Freeman, Gaither, Garrison, Glenn, Godwin, Good, Green, Haymore, Hicks, Hill, Hughes, Hurley, Jones, Kendall, King, Latta, Lloyd, McCubbins, McNeill, Mendenhall, Mitchell, Mock, Moffitt, Moseley, Munden, Newell, Patton, Pinnix, Proffitt, Scott, Sharpe, Smith of Anson, Staples, Stowe, Tate, Thompson of Lincoln, Thorne, Trivett, Walden, Ward, Whisnant, White, Whitley, Wood and Woodhouse—65.

The question was next put on the following amendment, offered by Mr. Tate:

Provided, That strictly commercial paper may be discounted at so great a rate as one per cent. per month.

Mr. McRae demanded the yeas and nays, but they were refused, and the amendment was rejected.

The question next recurred on the following amendment, offered by Mr. Gudger, to section 2 of the bill:

"Provided, That no owner of real estate, either farm or house, shall receive as rental in money, grain, or any kind of produce whatsoever, any sum larger than eight per cent. of the true cash value of the same, under the penalties of section 3 of this act."

On the call of Mr. Gudger, the yeas and nays were had, and the amendment was rejected by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Glenn, Gudger, Newell, Oaksmith, Scott, Walden and White—7.

The following gentlemen voted in the negative:

Messrs. Anderson, Atwater, Barnett, Barnhardt of Caldwell, Bernheardt of Rowan, Barrett, Bennett, Bettis, Bizzell, Brewington, Bryan, Bryson, Bunn, Candler, Carson, Carter, Crews, Davis of Haywood, Davis of Jackson, Dortch, Dula, Eatman, Erwin, Etheridge, Fields, Finger, Gaither, Garrison, Gash, Godwin, Good, Green, Griffin, Haymore, Hicks, Hill, Holt, Hooker, Hughes, Hurley, Isler, Jessup, Jetton, Johnston, Jones, Kendall, King, Latta, Lloyd, Martin, McCalop, McCubbins, McIver, McNeill, McRae, Mebane, Mendenhall, Mitchell, Mock, Moffitt, Moring, Moseley, Munden, Norment, Page, Patton, Pinnix, Proffitt, Reid, Richardson, Sharpe, Smith of Anson, Smith of Hyde, Spears, Staples, Staton, Stephenson, Stowe, Strong, Tate, Thompson of Beaufort, Thompson of Lincoln, Thorne, Trivett, Walker of Richmond, Ward, Wheeler, Whisnant, Whitley, Wiley, Wood and Woodhouse-92.

The question recurred on another amendment of Mr. Gudger, which proposed to add to section 3, the following:

"And imprisoned not more than five years, nor less than one year."

Mr. Gudger demanded the yeas and nays, but the call was not sustained, and the amendment was rejected.

The question next recurred on the passage of the bill on its second reading.

The yeas and nays were called, and it passed by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Atwater, Bernheardt of Rowan, Bennett, Bettis, Brewington, Bryson, Bunn, Candler, Carson, Carter, Crews, Davis of Haywood, Davis of Jackson, Dortch, Dula, Eatman, Erwin, Etheridge, Fields, Freeman, Gaither, Garrison, Glenn, Godwin, Good, Green, Haymore, Hicks, Hill, Hughes, Jones, Kendall, King, Latta, Lloyd, Martin, McCubbins, McNeill, Mendenhall, Mitchell, Mock, Moffitt, Moseley, Munden, Newell, Patton, Pinnix, Proffitt, Sharpe, Smith of Anson, Staples, Stowe, Thompson of Lincoln, Thorne, Trivett, Walden, Ward, Whisnant, White, Whitley, Wood and Woodhouse—63.

The following gentlemen voted in the negative:

Messrs. Barnett, Barnhardt of Caldwell, Barrett, Bizzell, Bryan, Finger, Gash, Griffin, Holt, Hooker, Isler, Jessup, Jetton, Johnston, McCalop, McIver, McRae, Mebane, Moring, Norment, Oaksmith, Page, Reid, Richardson, Scott, Smith of Anson, Spears, Staton, Stephenson, Strong, Tate, Thompson of Beaufort, Walker of Richmond, Wheeler and Wiley—35.

Mr. Gudger stated, when his name was called, that he had paired off with Mr. Shackelford as to the bill, but if he had been free to vote, he should have recorded his vote in the negative. He had expected Mr. Shackelford's return on yesterday.

Mr. Gudger moved to adjourn until to-morrow at 10 A. M. On that motion Mr. Staples called the yeas and nays, and the motion was rejected by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Barnett, Barnhardt of Caldwell, Bizzell, Bryson, Carson, Davis of Haywood, Finger, Gash, Gudger, Holt, Isler, Jessup, Johnston, McCalop, McRae, Mebane, Moring, Norment, Oaksmith, Page, Proffitt, Reid, Smith of Hyde, Spears, Stephenson, Thompson of Beaufort and Wiley—27.

The following gentlemen voted in the negative:

Messrs. Anderson, Atwater, Bernheardt of Rowan, Barrett, Bettis, Brewington, Bryan, Bunn, Candler, Carter, Crews, Dorth, Dula, Eatman, Erwin, Etheridge, Fields, Freeman, Gaither, Garrison, Glenn, Godwin, Good, Green, Griffin, Haymore, Hicks, Hill, Hughes, Jones, Kendall, King, Latta, Lloyd, Martin, McCubbins, McIver, McNeill, Mitchell, Mock, Moffitt, Moseley, Newell, Patton, Pinnix, Richardson, Scott,

Sharpe, Smith of Anson, Staples, Staton, Stowe, Strong, Tate, Thorne, Trivett, Walker of Richmond, Ward, Wheeler, Whisnant, White, Whitley, Wood and Woodhouse—65.

On motion of Mr. Walker, of Richmond, the rules were suspended, and the usury bill was taken up and made special order for to-morrow at 1 P. M.

By consent, Mr. Norment introduced a bill to amend chapter 171, laws of 1871-'72, which was referred to the Committee on Propositions and Grievances.

By consent, Mr. Stephenson introduced a bill to continue in force an act to incorporate the Bank of Raleigh, which was referred to the Committee on Banks and Currency.

Mr. Mebane gave notice that he would offer an amendment to the usury bill when it came up on its third reading.

Mr. Wheeler presented a memorial from certain citizens of Winston, Forsythe county, protesting against the passage of the act to amend the charter of that town for the purpose of establishing a graded school. The petition was placed on the calendar.

A message was received from the Senate transmitting H. B. No. 258, S. B. No. 593, asking that it be re-engrossed and sent back for concurrence.

On motion of Mr. Latta, the House adjourned until to-morrow at 10 A. M.

# FIFTY-EIGHTH DAY.

THURSDAY, February 18th, 1875.

The House met at 10 o'clock, Mr. Speaker Robinson in the chair.

Prayer by the Rev. Mr. Rich, of the city.

The Journal of yesterday was read and approved.

## INTRODUCTION OF PETITIONS.

By Mr. Smith, of Anson: A petition from citizens of Anson county against the prohibition of liquor at Wadesboro' Depot.

By Mr. Proffitt: A petition from citizens of Yancey against the prohibition of liquor within four miles of Cane River church, in said county.

By Mr. Woodhouse: A petition of citizens of Currituck county, asking for a deer law. All of which were referred to to the Committee on Propositions and Grievances.

By Mr. Brewington: A petition from citizens of the county of New Hanover against usury.

# REPORTS OF STANDING COMMITTEES.

Mr. McRae, from the Committee on Internal Improvements, reported favorably on the following bills:

S. B. No. 471, H. B. No. 573: A bill to incorporate the Wilmington, Raleigh and Danville Railroad;

H. B. No. 541: A bill in relation to the Western North Carolina Railroad;

H. B. No. 523: A bill to amend an act entitled an act to amend the charter of the North Carolina Railroad Company, and for other purposes, therein mentioned, with an amendment, and recommended that, with the adoption of the amendment, the bill do pass; and unfavorably on

H. B. No. 221: A bill in favor of the Western North Carolina Railroad.

Mr. McRae, from the Committee on the Judiciary, reported favorably on

H. B. No. 565: A bill to provide for payment of costs and other indemnity of officers in certain cases; and on

S. B. No. 473, H. B. No. 476: A bill to incorporate the Bank of Gaston, reported an amendment to the same, and recommended the passage of the bill, with the adoption of the amendment; and reported unfavorably on

H. B. No. 542: A bill to amend section 11, chapter 53, of Battle's Revisal;

H. B. No. 543: A bill to amend section 2, of chapter 38, of Battle's Revisal; and on

- S. B. No. 358, H. B. No. 537: A bill to amend section 53, chapter 17, sub-chapter 4, of Battle's Revisal; and recommended that
- S. B. No. 582, H. B. No. 538: A bill to amend chapter 137, public laws of 1873-'74, be referred to the Committee on Propositions and Grievances.

Mr. Staples, from the Committee on the Judiciary, reported favorably on

S. B. No. 468, H. B. No. 556: A bill authorizing the commissioners of Guilford and Rockingham counties to employ convict labor to drain certain lands in said counties.

Mr. Erwin, from the Committee on the Judiciary, reported favorably on

H. B. No. 116: A bill to amend section 382, chapter 3, title 5, Battle's Revisal.

Mr. Woodhouse, from the Committee on Railroads, Post Roads and Turnpikes, reported unfavorably on

H. B. No. 564: A bill to construct a road from Burnsville to J. D. English's, in Mitchell county.

Mr. Finger, from the Committee on Enrolled Bills, reported the following bills and resolutions as being correctly enrolled, and they were duly ratified by the Speaker of the House and transmitted to the Senate:

An act to incorporate the Yadkin River and Wilkesboro' Navigation Company;

An act to revive the Board of Internal Improvements;

An act to incorporate the town of Yadkin College, Davidson county;

Resolution to pay witness and clerk in the Onderdonk investigation;

Resolution to allow Joint Committee on State Railroads to employ clerical assistance.

## INTRODUCTION OF RESOLUTIONS.

By Mr. Whisnant: A resolution asking the General As-

sembly of South Carolina to pass a law opening a fish way at the Cherokee dam on Main Broad river, in said State. Referred to the Committee on Propositions and Grievances.

The following were introduced and placed on the calendar:

By Mr. Garrison: A resolution on adjournment;

By Mr. Griffin: A resolution in regard to night sessions;

By Mr. Moring: A resolution of instruction to the Finance Committee in regard to settlement of the public taxes.

### INTRODUCTION OF BILLS.

By Mr. McRae: A bill to enable the commissioners of the town of Fayetteville to issue bonds, &c. Referred to the Judiciary Committee.

By Mr. McIver: A bill to incorporate the town of Swann's Station, Moore county. Referred to the Committee on Corporations.

By Mr. Bennett: A bill to submit to the voters of Brunswick county the question of changing the county seat. Referred to the Committee on Counties, Cities, &c.

By Mr. Candler: A bill to amend chapter 29, laws of 1870-'71, and chapter 36, amendatory thereof. Referred to the Committee on Railroads, Post Roads and Turnpikes.

By Mr. Richardson: A bill amendatory of the act incorporating the National Loan and Trust Company, &c. Referred to the Committee on Corporations.

A message from the Senate was announced, transmitting

- S. B. No. 29: A bill to amend chapter 64, of Battle's Revisal; and
- S. B. No. 604: A bill supplemental to the charter of the town of Statesville; and transmitting a report from the Committee on State Railroads, with a proposition to print the usual number of copies thereof. The bills were read the first time, and
  - S. B. No. 429 was referred to the Judiciary Committee; and
  - S. B. No. 604 to the Committee on Cities, Towns, &c., and

the question was put upon concurrence in the proposition of the Senate to print, and carried.

Mr. McRae rose to a question of personal privilege in connection with a publication made in a newspaper published in the city of Charlotte.

The rules were suspended, on motion of Mr. Trivett, and

H. R. No. 140: A resolution on adjournment, was taken up and put on its passage and adopted, and was ordered to be sent to the Senate for concurrence.

On motion of Mr. Walker, of Richmond,

S. B. No. 473, H. B. No. 476: A bill to incorporate the Bank of Gaston, was taken up. The amendment proposed by the committee was accepted, and the bill passed its several readings, and was sent to the Senate for concurrence.

Under a suspension of the rules, S. B. No. 436, H. B. No. 490: A bill to incorporate the North Carolina Cherokee Mining and Manufacturing Company, was put on its several readings and passed, and was ordered to be enrolled for ratification.

H. B. No. 459: A bill to lay off and establish a free turnpike in Burke and Mitchell counties, and to improve the road from Morganton to William Morris', on the Blue Ridge, was taken up and put on its several readings and passed, and was ordered to be engrossed and sent to the Senate.

The Speaker announced the arrival of the hour for the first

### SPECIAL ORDER.

H. B. No. 78: A bill explanatory of section 10, chapter 102, Battle's Revisal.

On motion, the consideration of the bill was postponed, and it was made the special order for 11 o'clock on Monday.

On motion of Mr. Pinnix, the rules were suspended and H. B. No. 521: A bill to incorporate the Order of the Patrons of Mercy, of Wilmington, N. C., was put on its several readings

and passed, and was ordered to be engrossed and sent to the Senate.

- S. B. No. 382, H. B. No. 489: A bill to incorporate the Oak City Building and Loan Association of Raleigh, N. C., was put on its several readings and passed, and was ordered to be enrolled for ratification.
- H. B. No. 332: A bill to amend chapter 71, section 6, of the laws of 1873-'74, was taken up and put on its several readings and passed, and was ordered to be engrossed and sent to the Senate.
- S. B. No. 371, H. B. No. 492: A bill to incorporate the Bank of Reidsville, was taken up and passed its several readings, and was ordered to be enrolled for ratification.
- H. B. No. 339: A bill in regard to the mode of keeping the public accounts, was taken up.

Mr. Mendenhall moved to amend by adding an additional heading, "On Public Grounds and Buildings."

The amendment was adopted, and the bill then passed its several readings, and was ordered to be engrossed and sent to the Senate.

- H. R. No. 166: Resolution in relation to the Chesapeake and Albemarle Canal, was taken up, and, on motion of Mr. Mendenhall, was referred to the Committee on Internal Improvements.
- H. B. No. 517: A bill in regard to fishing in New Begun creek, was taken up.

Mr. Woodhouse sent forward the following amendment:

Amend by striking out section 3, and inserting the following:

"All laws and clauses of laws conflicting with this act are hereby repealed. This act shall go into effect from and after its ratification."

The amendment was accepted, and the bill as amended, passed its several readings, and was ordered to be engrossed and sent to the Senate.

H. B. No. 409: A bill to incorporate Cedar Fork Lodge, No. 342, Free and Accepted Masons, was put on its several readings and passed, and was ordered to be engrossed and sent to the Senate.

Mr. Mendenhall moved a reconsideration of H. R. No. 166, and that motion was ordered to be entered on the Journal of the House.

On motion of Mr. Finger, S. B. No. 493, H. B. No. 519: A bill to incorporate the North Carolina State Grange, Patrons of Husbandry, was taken up, passed its several readings, and was ordered to be enrolled for ratification.

On motion of Mr. Mebane, H. B. No. 493: A bill to amend section 496, Code of Civil Procedure, as brought in Battle's Revisal, chapter 63, section 12, was taken up, passed its several readings, and was ordered to be engrossed and sent to the Senate for concurrence.

On motion of Mr. Stephenson, S. B. No. 76, H. B. No. 275: A bill to incorporate the Raleigh Savings Bank and Trust Company, was taken up, passed its several readings, and was ordered to be enrolled for ratification.

On motion of Mr. McIver, S. B. No. 237, H. B. No. 472: A bill to amend chapter 5, section 4, Battle's Revisal, so far as to prevent white children being bound as apprentices to colored masters, was taken up, and passed its second reading.

Under a further suspension of the rules, the bill came up on its third reading.

Mr. Brewington moved to amend by providing that colored children shall not be bound out to white masters.

The amendment was rejected.

Mr. Moore moved to postpone present consideration and to print.

The motion was rejected.

The question recurred on the passage of the bill on its third reading.

Mr. Mebane called for the yeas and nays, and the call being sustained, the bill passed its third reading by the following vote:

The following gent'smen voted in the affirmative:

Messrs. Anderson, Atwater, Barnett, Barnhardt of Caldwell, Bernheardt of Rowan, Bennett, Bettis, Bizzell, Boyd, Bryan, Bryson, Candler, Carson, Davis of Haywood, Davis of Jackson, Dortch, Dula, Eatman, Erwin, Etheridge, Fields, Finger, Foote, Freeman, Garrison, Gash, Glenn, Godwin, Green, Griffin, Gudger, Haymore, Hicks, Holt, Hooker, Hurley, Isler, Jessup, Jetton, Johnston, Jones, Kendall, King, Latta, Martin, McCalop, McCubbins, McIver, McNeill, McRae, Mebane, Mendenhall, Mock, Moffitt, Moring, Moseley, Munden, Norment, Oaksmith, Page, Patton, Pinnix, Proffitt, Reid, Richardson, Scott, Sharpe, Smith of Anson, Smith of Hyde, Spears, Staples, Staton, Stephenson, Stowe, Tate, Thompson of Beaufort, Thompson of Lincoln, Trivett, Walden, Walker of Richmond, Wells, Wheeler, Whisnant, Whitley, Wiley, Wood and Woodhouse—87.

The following gentlemen voted in the negative:

Messrs. Brewington, Bunn, Carter, Crews, Good, Hill, Hughes, Lloyd, Moore, Newell, Thorne and White—12.

#### SPECIAL ORDER.

H. R. No. 153: Resolution in regard to Civil Rights bill, being the special order of the hour, 12 M., its consideration was gone into.

The question recurred on Mr. Oaksmith's substitute.

Mr. Boyd demanded the yeas and nays, and the call being sustained, the substitute was rejected by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Barnett, Boyd, Candler, Dula, Garrison, Jones, King, Munden, Normeut, Oaksmith, Scott, Trivett, Ward, Wheeler, Whisnant and Wood—16.

The following gentlemen voted in the negative:

Messrs. Anderson, Atwater, Barnhardt of Caldwell, Bernheardt of Rowan, Barrett, Bennett, Bettis, Bizzell, Brewington, Bryan, Bryson, Bunn, Carson, Carter, Crews, Davis of Haywood, Davis of Jackson, Dortch, Eatman, Erwin, Ether-

idge, Fields, Finger, Foote, Freeman, Gaither, Gash, Glenn, Godwin, Good, Green, Griffin, Gudger, Haymore, Hicks, Hill, Holt, Hooker, Hughes, Hurley, Isler, Jessup, Jetton, Johnston, Kendall, Latta, Lloyd, Martin, McCalop, McCubbins, McIver, McNeill, McRae, Mebane, Mendenhall, Mock, Moffitt, Moore, Moring, Moseley, Page, Patton, Pinnix, Proffitt, Reid, Richardson, Sharpe, Smith of Anson, Smith of Hyde, Spears, Staples, Staton, Stephenson, Stowe, Tate, Thompson of Beaufort, Thompson of Lincoln, Thorne, Walker of Richmond, White, Whitley, Wiley and Woodhouse—83.

Pending the further debate of the matter, the second special order,

S. B. No. 13: A bill to regulate the rate of interest and to prevent usury, was announced.

On motion of Mr. Staples, it was postponed and made special order for to-morrow at 11:30 o'clock.

The consideration of the Civil Rights resolution was resumed, when a message was received from his Excellency, the Governor, transmitting a communication from the Board of Public Charities, and making certain recommendations in regard to the matter.

Mr. Gudger moved that when the House adjourns it adjourn until 7:30 o'clock this evening, which motion prevailed.

The debate on the Civil Rights resolutions was again resumed, and continued to the close of the session, when

On motion of Mr. Glenn, the House adjourned until 7:30 P. M.

# EVENING SESSION.

At half past 7 o'clock the House was called to order.

Leave of absence was granted to Mr. Mitchell indefinitely, on account of sickness in his family; to Mr. Newell from and

after to-morrow until Thursday; and to Mr. Anderson from and after to-morrow until Saturday week, on account of sickness.

The unfinished business, the resolution in regard to the Civil Rights bill, was announced.

On motion of Mr. Whitley, the House took a recess for ten minutes.

At the expiration of the recess, the House was again called to order.

The consideration of the unfinished business was resumed, and after a lengthened discussion, Mr. Glenn moved that the resolution be referred to a select committee of five, to be appointed by the Speaker of the House, and on that motion moved the previous question, which was ordered, and, after a notice from Mr. Crews of intention to explain his vote on the question of reference, the House adjourned until to-morrow at 10 A. M.

# FIFTY-NINTH DAY.

FRIDAY, February 19th, 1875.

S. R. No. 1989, M. R. Von 1991, A selection

The House was called to order at 10 A. M., Mr. Speaker Robinson in the chair.

The Journal of yesterday was read and approved.

## REPORTS OF STANDING COMMITTEES.

Mr. King, from the Committee on Engrossed Bills, reported the following as correctly engrossed, and they were transmitted to the Senate for concurrence:

H. B. No. 332: A bill to amend chapter 71, section 6, laws of 1873-774;

H. B. No. 493: A bill to amend section 496, Code of Civil

Procedure, as brought forward in Battle's Revisal, chapter 63, section 12;

H. B. No. 521: A bill to incorporate Lodge No. 1, Grand Order of Patrons of Mercy, Wilmington, North Carolina;

H. B. No. 517: A bill in regard to fishing in New Begun creek, Pasquotank county;

H. R. No. 142: A resolution on adjournment;

H. B. No. 409: A bill to incorporate Cedar Fork Lodge, No. 342, Free and Accepted Masons; and

H. B. No. 339: A bill in regard to the mode of keeping the public accounts.

Mr. Finger, from the Committee on Enrolled Bills, reported the following as correctly enrolled, and it was duly ratified by the Speaker of the House, and transmitted to the Senate:

An act in favor of the contractors and employees of the Marion and Asheville turnpike;

Mr. McRae, from the Judiciary Committee, reported on

S. B. No. 303, H. B. No. 526: A bill to change the time of salesday, recommending its passage after the adoption of accompanying amendments.

Mr. Smith, of Anson, from the Committee on Claims, reported favorably on the following resolution:

S. R. No. 607, H. R. No. 164: A resolution in favor of James H. Enniss, agent.

Mr. Richardson, from the Committee on Corporations, re-

S. B. No. 529, H. B. No. 572: A bill to incorporate the Bank of Durham, recommending its passage upon the production of the Treasurer's receipt; and the same on

S. B. No. 511, H. B. No. 558: A bill to incorporate the Direct Trade Union, Patrons of Husbandry, after the adoption of an accompanying amendment.

Mr. Gudger, from the Committee on Propositions and Grievances, reported unfavorably on the following:

H. B. No. 388: A bill for the better protection of fisheries;

H. B. No. 294: A bill to prevent the felling of timber in Buffalo creek, Cleaveland county;

H. B. No. 240: A bill to prevent the felling of trees or throwing obstructions in Big Bear creek, Stanly county; and upon the memorial of certain citizens of Mitchell county asking the repeal of section 3, chapter 137, laws of 1873-'74.

## INTRODUCTION OF BILLS.

By Mr. Mendenhall: A bill providing for local taxation for benefit of public schools. Referred to the Judiciary Committee.

By Mr. Staples: A bill to amend section 19, chapter 32, Battle's Revisal, in relation to crimes and punishments. Referred to the Judiciary Committee.

By Mr. Proffitt: A bill to prohibit the sale of intoxicating liquors within one and a half miles of Crabtree church and school house, Yancey county. Referred to the Committee on Propositions and Grievances.

The following were introduced and referred to the Committee on Corporations:

By Mr. Wood: A bill to incorporate the town of Wood-ville, Perquimans county.

By Mr. Boyd: A bill to incorporate Graham High School, Alamance county.

By Mr. King: A bill amendatory of an act to incorporate the Georgia and North Carolina Railroad Company. Referred to the Committee on Internal Improvements.

By Mr. Bunn: A bill to prohibit colored children from being bound as apprentices to white masters or mistresses. Placed on the calendar.

A message was received from the Senate transmitting an engrossed copy of

S. B. No. 490: A bill for the dissolution of the Roanoke Navigation Company, and asking concurrence therein. It was read the first time and referred to the Judiciary Committee. Also one transmitting an engrossed copy of

S. B. No. 623: A bill to preserve the public records of Burke county, and for other purposes, and asking concurrence therein, which was read the first time and referred to the Committee on Finance.

On motion of Mr. Woodhouse, the rules were suspended, and S. B. No. 564, H. B. No. 557: A bill to authorize the commissioners of Currituck county to issue bonds, &c., was taken up and passed its second reading by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Barnhardt of Caldwell, Bernheardt of Rowan, Barrett, Bennett, Bettis, Bizzell, Brewington, Bryan, Bryson, Candler, Carson, Carter, Cary, Davis of Haywood, Dortch, Dula, Eatman. Erwin, Etheridge, Finger, Foote, Freeman, Garrison, Gash, Glenn, Godwin, Good, Green, Griffin, Haymore, Hicks, Hill, Hooker, Hughes, Jessup, Jetton, Johnston, Jones, Kendall, King, Latta, Lloyd, Martin, McCubbins, McIver, McNeill, Mebane, Mendenhall, Mock, Moffitt, Moring, Moseley, Munden, Page, Parker, Patton, Pinnix, Proffitt, Reid, Richardson, Scott, Sharpe, Smith of Anson, Smith of Hyde, Staples, Staton, Stowe, Thompson of Beaufort, Thompson of Lincoln, Thorne, Trivett, Walker of Richmond, Wells, Whisnant, White, Whitley, Wiley, Wood and Woodhouse—79.

The following gentlemen voted in the negative:

Messrs. Bunn and Crews-2.

Mr. Blythe was announced as being detained from his seat by sickness.

Mr. Fields was granted a leave of absence until Wednesday on account of sickness.

By consent, Mr. Moring introduced a resolution, raising a joint select committee of eight, five on the part of the House and three on the part of the Senate, to confer with the Board of Public Charities, now in session.

On motion of Mr. Moring, the rules were suspended, and the resolution adopted and transmitted to the Senate without engrossment. Leave of absence was granted to Mr. McIver for one week, on account of sickness; to Messrs. Moseley, Mebane and Barnett, for the same time for the same cause, and to Mr. Isler until Wednesday, and to Mr. Carson indefinitely, on account of sickness in his family.

On motion of Mr. Hicks, the rules were suspended, and

H. B. No. 341: A bill to prevent the sale of intoxicating liquors near Hayesville Academy, Clay county, was taken up.

The substitute reported by the Committee on Propositions and Grievances was adopted, and the bill passed its several readings, and was ordered to be engrossed and sent to the Senate for concurrence.

On motion of Mr. McIver,

H. B. No. 579: A bill to incorporate the town of Swann's Station, Moore county, was taken up, passed its several readings, and was ordered to be engrossed and to the Senate for concurrence.

On motion of Mr. King,

H. B. No. 523: A bill amendatory of an act amending the charter of the North Carolina Railroad Company, was taken up.

The amendments proposed by the Committee on Internal Improvements were adopted.

Mr. King moved to amend by striking out in section 15, the word "three" and insert "six," which was adopted.

On motion of Mr. King, the bill was made special order for to-morrow at 12 M.

Mr. Stephenson was granted a leave of absence until Wednesday next.

On motion of Mr. Griffin,

H. B. No. 87: A bill to amend chapter 90, sections 9 and 21, laws of 1872-'73, as brought forward in Battle's Revisal, chapter 68, sections 35 and 47, was taken up, and passed its several readings, and was ordered to be engrossed and sent to the Senate.

#### SPECIAL ORDER.

H. B. No. 457: A bill in relation to the public taxes due by Wayne county for the year 1870, was taken up as the special order of the hour.

On motion of Mr. Tate, it was made special order for Wednesday next at 12 M.

S. B. No. 194, H. B. No. 441: A bill to appoint public guardians, was taken up, and, on motion, re-committed to the Judiciary Committee.

H. B. No. 532: A bill to amend the act to authorize the commissioners of Rowan county to subscribe to the capital stock of the Yadkin Railroad Company, was taken up.

Mr. McCubbins moved to amend by striking out the words "8th day of June," and insert "on or before the first Thursday in August," which was adopted, and the bill passed its several readings, and was ordered to be engrossed and sent to the Senate.

S. B. No. 374, H. B. No. 488: A bill to incorporate the Cleaveland Savings Bank, in the town of Shelby, was taken up, passed its several readings, and was ordered to be enrolled for ratification.

H. B. No. 437: A bill repealing a certain part of chapter 132, laws of 1873-'74, was taken up, passed its several readings, and was ordered to be engrossed and sent to the Senate.

## SECOND SPECIAL ORDER.

S. B. No. 13, H. B. No. 520: A bill to establish a legal rate of interest, and to prevent usury, was taken up as the second special order, and on its third reading.

Mr. Norment offered the following amendment, to come in after section 3:

"Provided, The penalties in this section shall apply in like manner both to lender and borrower, and all fines and forfeitures shall be applied to educational purposes." Mr. Mebane moved to amend by saying that the act should not go into effect until the first day of December, 1875.

Mr. Walker, of Richmond, offered the following amendment:

"Strike out the word 'eight,' in — line of section 1, and insert the word 'ten.' Add to the section as follows:

"'This act shall apply to all banking institutions, corporations or associations created under act or acts of Congress."

On the call of Mr. Walker, of Richmond, the previous question was ordered.

The question recurred on the amendment of Mr. Norment, and it was rejected by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Barnett, Bizzell, Boyd, Bryan, Finger, Gash, Gudger, Hooker, Isler, Jessup, Jetton, Johnston, King, McCalop, McIver, McRae, Mebane, Moring, Norment, Page, Reid, Richardson, Smith of Hyde, Spears, Staton, Stephenson, Thompson of Beaufort, Wheeler and Wiley—29.

The following gentlemen voted in the negative:

Messrs. Atwater, Barnhardt of Caldwell, Bernheardt of Rowan, Barrett, Bennett, Bettis, Bryson, Candler, Carson, Carter, Cary, Crews, Davis of Haywood, Davis of Jackson, Dortch, Dula, Eatman, Erwin, Etheridge, Freeman, Gaither, Garrison, Glenn, Godwin, Good, Green, Griffin, Haymore, Hicks, Hill, Hughes, Kendall, Latta, Lloyd, Martin, McCubbins, Mendenhall, Mock, Moffitt, Moseley, Munden, Parker, Patton, Pinnix, Proffitt, Sharpe, Smith of Anson, Staples, Stowe, Tate, Thompson of Lincoln, Thorne, Trivett, Walker of Richmond, Ward, Wells, Whisnant, Whitley, Wood and Woodhouse—60.

Mr. Gudger offered the following amendment, of which notice had been given before the call of the previous question:

Add to section 2, the following:

"Provided, That this act shall have no force and effect until ratified by the people of the State, at the regular election, to be held the first Thursday in August, 1875, those favoring

the bill to vote a ballot on which shall be written or printed the word 'ratification;' those who are opposed to the bill, a ballot on which shall be written or printed the words no 'ratification.' If a majority of the votes so cast are for ratification, then this act shall have full force, but if a majority vote no ratification, then it shall be null and void."

Amend by striking out section 6.

The question next recurred on Mr. Mebane's amendment, and it was rejected by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Barnett, Barnhardt of Caldwell, Barrett, Bizzell, Bryan, Carson, Dula, Finger, Gash, Glenn, Griffin, Gudger, Hooker, Isler, Jessup, Jetton, Johnston, King, McCallop, McIver, McRae, Mebane, Moffitt, Moring, Moseley, Munden, Norment, Oaksmith, Page, Proffitt, Reid, Richardson, Smith of Hyde, Spears, Staton, Stephenson, Strong, Tate, Thompson of Beaufort, Walker of Richmond, Wells, Wheeler and Wiley—43.

The following gentlemen voted in the negative:

Messrs. Atwater, Bernheardt of Rowan, Bennett, Bettis, Brewington, Bryson, Bunn, Candler, Carter, Cary, Crews, Davis of Haywood, Davis of Jackson, Dortch, Eatman, Erwin, Etheridge, Foote, Freeman, Gaither, Garrison, Godwin, Good, Green, Haymore, Hicks, Hill, Hughes, Hurley, Jones, Kendall, Latta, Lloyd, Martin, McCubbins, McNeill, Mendenhall, Mock, Parker, Patton, Pinnix, Sharpe, Smith of Anson, Staples, Stowe, Thompson of Lincoln, Thorne, Trivett, Walden, Ward, Whisnant, White, Wood and Woodhouse—53.

The question was next upon the amendment of Mr. Walker, of Richmond, when, on his motion, it was divided. The question was had on the first part, which was defeated by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Barnett, Bennett, Bizzell, Bryan, Gash, Griffin, Gudger, Hooker, McCalop, McRae, Norment, Oaksmith, Page,

Smith of Hyde, Spears, Stephenson, Strong, Thompson of Beaufort, Walker of Richmond and Wiley-20.

The following gentlemen voted in the negative:

Messrs. Atwater, Barnhardt of Caldwell, Bernheardt of Rowan, Bettis, Boyd, Brewington, Bryson, Bunn, Candler, Carson, Carter, Cary, Crews, Davis of Haywood, Davis of Jackson, Dortch, Dula, Eatman, Erwin, Etheridge, Finger, Foote, Freeman, Gaither, Garrison, Glenn, Godwin, Good, Green, Haymore, Hicks, Hill, Hughes, Hurley, Isler, Jetton, Jones, Kendall, King, Latta, Lloyd, Martin, McCubbins, McIver, McNeill, Mebane, Mendenhall, Mock, Moffitt, Moring, Moseley, Munden, Parker, Patton, Pinnix, Proffitt, Richardson, Scott, Sharpe, Smith of Anson, Staples, Staton, Stowe, Tate, Thompson of Lincoln, Thorne, Trivett, Walden, Ward, Wheeler, Whisnant, White, Whitley, Wood, Woodhouse and Young—76.

The question recurring on the second portion of the amendment, it was rejected by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Barnett, Barnhardt of Caldwell, Bizzell, Boyd, Bryan, Carson, Dula, Finger, Gash, Glenn, Griffin, Gudger, Hooker, Isler, Jessup, Jetton, Johnston, King, McCalop, McIver, McRae, Mebane, Moring, Norment, Oaksmith, Page, Proffitt, Reid, Richardson, Scott, Smith of Hyde, Spears, Staton, Stephenson, Strong, Tate, Thompson of Beaufort, Walker of Richmond, Wells, Wheeler and Wiley—41.

The following gentlemen voted in the negative:

Messrs. Atwater, Bernheardt of Rowan, Bennett, Bettis, Brewington, Bryson, Bunn, Candler, Carter, Cary, Crews, Davis of Haywood, Davis of Jackson, Dortch, Eatman, Erwin, Etheridge, Foote, Freeman, Gaither, Garrison, Godwin, Good, Green, Haymore, Hicks, Hill, Hughes, Hurley, Jones, Kendall, Latta, Lloyd, Martin, McCubbins, McNeill, Mendenhall, Mock, Moffitt, Moseley, Munden, Parker, Parrott, Pinnix, Sharpe, Smith of Anson, Staples, Stowe, Thompson of Lincoln, Thorne, Trivett, Walden, Ward, Whisnant, White, Whitley, Wood, Woodhouse and Young—59.

The question was next taken on Mr. Gudger's amendment, which was rejected by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Barnett, Barnhardt of Caldwell, Bizzell, Bryan, Finger, Gash, Griffin, Gudger, Hooker, Isler, Jessup, Johnston, McCalop, McIver, McRae, Mebane, Moring, Norment, Oaksmith, Page, Proffitt, Reid, Richardson, Scott, Smith of Hyde, Spears, Staton, Stephenson, Strong, Tate, Thompson of Beaufort, Walker of Richmond, Wells, Wheeler and Wiley—35.

The following gentlemen voted in the negative:

Messrs. Atwater, Bernheardt of Rowan, Barrett, Bennett, Bettis, Brewington, Bryson, Bunn, Candler, Carson, Carter, Cary, Crews, Davis of Haywood, Davis of Jackson, Dortch, Dula, Eatman, Erwin, Etheridge, Foote, Freeman, Gaither, Garrison, Godwin, Good, Green, Haymore, Hicks, Hill, Hughes, Hurley, Jones, Kendall, King, Latta, Lloyd, Martin, McCubbins, McNeill, Mendenhall, Mock, Moseley, Munden, Parker, Patton, Pinnix, Sharpe, Smith of Anson, Staples, Stowe, Thompson of Lincoln, Thorne, Trivett, Walden, Ward, Whisnant, White, Whitley, Wood, Woodhouse and Young—62.

Mr. Wheeler offered the following amendment, of which notice had been given before the call of the previous question: "Strike out 8 per cent. wherever it occurs, and insert 6 per cent; strike out 6 per cent. wherever it occurs, and insert 4 per cent."

The yeas and nays were called, and the amendment was rejected by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Carson, Dula, Glenn, Gudger, Isler, King, Oaksmith, Richardson, Scott, Smith of Hyde, Staton, Thompson of Beaufort and Wheeler—13.

The following gentlemen voted in the negative:

Messrs. Atwater, Barnett, Barnhardt of Caldwell, Bernheardt of Rowan, Bettis, Brewington, Bryson, Bunn, Candler, Car-

ter, Cary, Crews, Davis of Haywood, Davis of Jackson, Dorth, Eatman, Erwin, Etheridge, Finger, Foote, Freeman, Gaither, Garrison, Gash, Godwin, Good, Green, Griffin, Haymore, Hicks, Hill, Hooker, Hughes, Hurley, Jessup, Jetton, Johnston, Jones, Kendall, Latta, Lloyd, Martin, McCalop, McCubbins, McIver, McNeill, McRae, Mendenhall, Mock, Moffitt, Moring, Moseley, Munden, Norment, Page, Parker, Patton, Pinnix, Proffitt, Sharpe, Smith of Anson, Spears, Staples, Stephenson, Stowe, Strong, Tate, Thompson of Lincoln, Thorne, Trivett, Walden, Walker of Richmond, Ward, Wells, Whisnant, White, Whitley, Wiley, Wood, Woodhouse and Young—80.

The question then occurred upon the passage of the bill on its third and final reading.

On the call of Mr. McRae, yeas and nays were had, and the bill passed by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Atwater, Bernheardt of Rowan, Bennett, Bettis, Boyd, Brewington, Bryson, Bunn, Candler, Carson, Carter, Cary, Crews, Davis of Haywood, Davis of Jackson, Dortch, Dula, Eatman, Erwin, Etheridge, Foote, Freeman, Gaither, Garrison, Glenn, Godwin, Good, Green, Haymore, Hicks, Hill, Hughes, Hurley, Jones, Kendall, King, Latta, Lloyd, Martin, McCubbins, McNeill, Mendenhall, Mock, Moffitt, Moseley, Munden, Parker, Patton, Pinnix, Proffitt, Sharpe, Smith of Anson, Staples, Stowe, Thompson of Lincoln, Thorne, Trivett, Walden, Ward, Wells, Whisnant, White, Whitley, Wood, Woodhouse and Young—66.

The following gentlemen voted in the negative:

Messrs. Barnett, Barnhardt of Caldwell, Barrett, Bizzell, Bryan, Finger, Griffin, Hooker, Isler, Jessup, Jetton, Johnston, McCalop, McIver, McRae, Mebane, Moring, Norment, Oaksmith, Page, Reid, Richardson, Smith of Hyde, Spears, Staton, Stephenson, Strong, Tate, Walker of Richmond, Wheeler and Wiley—31.

Mr. Staples moved to reconsider the vote by which the bill

passed, and to lay that motion on the table, which motion was put to a vote and prevailed.

Mr. Eatman was granted a leave of absence until Wednesday next, and Mr. Dula indefinitely on account of sickness in his family.

On motion of Mr. Wiley, the House adjourned until to-morrow at 10 o'clock.

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# SIXTIETH DAY.

SATURDAY, February 20th, 1875.

The House was called to order at 10 o'clock, Mr. Speaker Robinson in the chair.

The Journal of yesterday was read, corrected and approved. By leave of the House, Mr. Thompson, of Beaufort, recorded his vote in the negative on the usury bill.

# INTRODUCTION OF PETITIONS.

Mr. Etheridge presented a petition from citizens of Dare county in relation to the sticking of shad net stakes.

By Mr. Parker: A petition from citizens of Murfreesboro', Hertford county, to prohibit the sale of spirituous liquors within five miles of said town.

Both of the above petitions were referred to the Committee on Propositions and Grievances.

By Mr. Stowe: A counter-petition from citizens of Gaston county in relation to the sale of spirituous liquors within one mile of the town of Dallas, which was placed on the calendar.

By Mr. Finger: A petition against the amendment to the charter of the Chester and Lenoir Narrow Gauge Railroad Company. Referred to the Committee on Internal Improvements.

## REPORT OF STANDING COMMITTEES.

Mr. King, from the Committee on Engrossed Bills, reported the following bills as correctly engrossed, and they were ordered to be sent to the Senate for concurrence:

H. B. No. 579: A bill to incorporate the town of Swann's Station, Moore county.

H. B. No. 87: A bill to amend chapter 90, sections 9 and 21, of laws of 1872-'73.

H. B. No. 437: A bill repealing a certain part of chapter 132, of laws of 1873-'74.

H. B. No. 459: A bill to lay off a free turnpike in Burke and Mitchell counties, and to improve the road from Morganton to William Morris', on the Blue Ridge.

H. B. No. 532: A bill amendatory of an act authorizing the commissioners of Rowan county to subscribe to the capital stock of the Yadkin Railroad Company.

Mr. Tate, from the Committee on Finance, reported favorably on

S. B. No. 623, H. B. No. 587: A bill to preserve the public records of Burke county, and for other purposes; and on

S. B. No. 600, H. B. No. 569: A bill to allow the trustees of Bingham township, Orange county, to collect arrears of taxes; and unfavorably on

S. B. No. 558, H. B. No. 568: A bill to allow the commissioners of Bladen county to levy a special tax; and

S. R. No. 400, H. R. No. 162: Resolution in favor of James I. Moore, sheriff of Granville county.

Mr. Mendenhall, from the Committee on Education, reported favorably on the following bills:

S. B. No. 456, H. B. No. 516: A bill for the better regulation of the Newbern Academy.

S. B. No. 349, H. B. No. 561: A bill amendatory of an act amending an act establishing a literary and manual institution in the county of Wake; and unfavorably on

H. B. No. 549: A bill requiring the Bible to be read in public schools.

Mr. Richardson, from the Committee on Corporations, reported favorably, with amendment, on

H. B. No. 415: A bill to incorporate the Western North Carolina Land and Colonization Company.

Mr. Johnston, from the Committee on Banks and Currency, reported favorably on

H. B. No. 575: A bill to continue in force the act incorporating the Bank of Raleigh.

Mr. Reid, from the Committee on Claims, reported on

S. R. No. 611, H. R. No. 163: A resolution in relation to the funeral expenses of the late Governor Tod R. Caldwell, asking to be discharged from its further consideration.

Mr. Barnhardt, of Caldwell, from the Committee on Propositions and Grievances, reported favorably, with amendment, on

H. B. No. 566: A bill for the better protection of the Caldwell and Watauga Turnpike Company; and returned the petition in reference to the sale of liquor at Dallas, Gaston county, to accompany a bill in regard to the matter already reported.

Mr. Staples, from the Committee on the Judiciary, reported

favorably on

H. B. No. 586: A bill to amend section 19, chapter 32, Battle's Revisal, in relation to crimes and punishments.

Mr. McRae, from the Judiciary Committee, reported favorably on

H. B. No. 577: A bill to allow the mayor and commissioners of Fayetteville to issue bonds, &c.

The following bills, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the Senate:

An act to amend an act incorporating the town of Sanford, in the county of Moore;

An act to incorporate No. 6 Cherokee Mining and Manufacturing Company;

An act to incorporate the Raleigh Savings Bank and Trust Company;

An act to incorporate the Western North Carolina Baptist Female College;

An act to repeal an act prohibiting the sale of spirituous liquors within three miles of the court house in the county of Richmond:

An act to incorporate the Bank of Reidsville;

An act to authorize Cherckee and Graham counties to cancel bonds, and for other purposes;

An act to amend chapter 5, section 4, line 82, of Battle's Revisal, so as to prevent white children being bound as apprentices to colored masters;

An act to authorize the chairman of the board of commissioners of Watanga county to make title to town lots in certain cases;

An act to allow the commissioners of Burke county to issue bonds;

An act to incorporate the North Carolina State Grange, Patrons of Husbandry;

An act to amend an act entitled an act in relation to the meadows of Rockingham county, chapter 187, public laws of 1870-'71.

## INTRODUCTION OF BILLS.

By Mr. Walker, of Richmond: A bill to amend chapter 100, section 1, laws of 1873-'74. Referred to the Judiciary Committee.

The following were introduced and referred to the Committee on Propositions and Grievances:

By Mr. Bettis: A bill to prohibit the sale, &c., of liquor within one mile of Pleasant Hill Baptist church, Cleaveland county.

By Mr. Etheride: A bill concerning the sticking of shad net stakes in certain waters of this State.

By Mr. Woodhouse: A bill to prohibit the killing of deer at certain seasons of the year.

By Mr. Erwin: A bill in relation to lotteries and gift concerts. Placed on the calendar.

By Mr. McRae: A bill to restore, re-enact and amend chapter 40, of the Revised Code, entitled "Draining and Damning Low Lands," &c. Referred to the Judiciary Committee.

By Mr. Walker, of Richmond: A bill concerning banking institutions in this State. Placed on the calendar.

Leave of absence was granted to Mr. Jetton indefinitely, on account of sickness; to Mr. Dortch for one day; to Mr. Hurley until Thursday next; to Mr. Johnston until Wednesday; to Mr. Hooker until Tuesday; and to Mr. Boyd until Thursday.

A message was received from the Senate informing the House that the Senate had concurred in the resolutions to raise a Joint Committee to confer with the Board of Public Charities and naming Messrs. Bell, Boddie and Waddell as the Senate branch thereof.

Also one transmitting an engrossed copy of Senate bill No. 591: A bill to amend the charter of the city of Newbern, and asking concurrence, which was referred to the Committee on Corporations.

Under a suspension of the rules, S. B. No. 348, H. B. No. 425: A bill to amend the charter of the city of Newbern, was taken up.

The question recurred on the bill on its second reading.

On the call of Mr. Lloyd, the yeas and nays were had, and the bill passed by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Barnhardt of Caldwell, Bernheardt of Rowan, Bennett, Bettis, Bizzell, Davis of Haywood, Erwin, Etheridge, Finger, Freeman, Gaither, Garrison, Gash, Green, Griffin, Gudger, Haymore, Holt, Hurley, Jessup, Johnston, Kendall, Latta, Martin, McCubbins, McIver, McNeill, McRae, Mendenhall, Mock, Moffitt, Moring, Page, Patton, Pinnix, Reid, Rich-

ardson, Shackelford, Sharpe, Smith of Anson, Smith of Hyde, Spears, Staples, Staton, Stowe, Thompson of Beaufort, Thompson of Lincoln, Walker of Richmond, Walker of Tyrrell, Wells, Whitley, Wiley, Woodhouse and Young—54.

The following gentlemen voted in the negative:

Messrs. Barnett, Boyd, Brewington, Bunn, Candler, Carter, Cary, Crews, Glenn, Godwin, Good, Hill, Hughes, Jones, Lloyd, Moore, Munden, Parker, Scott, Thorne, Walden, Ward, Whisnant, White and Wood—25.

Under a suspension of the rules, the bill came up on its third reading and was passed, and ordered to be enrolled for ratification.

On motion of Mr. Erwin, H. B. No. 604: A bill in relation to lotteries and gift concerts, was taken up.

Mr. Tate offered an amendment, providing that the Associations, &c., named shall not be exempt from the tax of the revenue bill.

The amendment was accepted, and the bill, as amended, passed its several readings, and was ordered to be sent to the Senate without engrossment.

On motion of Mr. Moring, the report of the Committee on Privileges and Elections, in the matter of J. Williams Thorne, the member from Warren, was taken up, and the testimony in the case read to the House.

On motion of Mr. Gudger, the report was received and the committee discharged from further consideration of the matter.

Mr. Hughes offered the following resolution:

WHEREAS, J. W. Thorne, the member from Warren county, has advocated and promulgated a most sacrilegious doctrine, subversive of the principles of the Constitution of the State of North Carolina and the Constitution of the United States. Therefore,

Resolved, That the said J. W. Thorne be, and he is hereby, expelled from a seat on this floor.

Mr. Norment moved to postpone further consideration of the matter until Tuesday.

Mr. Gudger moved to amend the resolution by striking out the words "and the Constitution of the United States," which was accepted by Mr. Hughes.

Mr. Walker, of Richmond, sent forward the following substitute for Mr. Hughes' resolution:

WHEREAS, It appears to the House of Representatives that J. W. Thorne, the member from Warren, denies the being of Almighty God, and entertains religious views at variance with those which should control the action of a representative; therefore,

Be it resolved, That J. Williams Thorne, the member from Warren, be expelled from this House.

The question was put on Mr. Norment's motion to postpone until Tuesday next at 12 M., and it prevailed.

#### SPECIAL ORDER.

H. B. No. 541: A bill in relation to Western North Carolina Railroad, was taken up as the special order of the hour, and, on motion of Mr. Tate, postponed until Monday, at 12 M.

# THE SECOND SPECIAL ORDER,

- H. B. No. 22: A bill to organize, equip &c., the militia of the State, was taken up, and, on motion, postponed until Friday, at 12 M.
- S. B. No. 358, H. B. No. 537: A bill to amend section 53, chapter 17, sub-chapter 4, Battle's Revisal, was taken up, and, on motion of Mr. McRae, re-committed to the Judiciary Committee.

## THE THIRD SPECIAL ORDER,

H. B. No. 523: A bill amendatory of an act amending the charter of the North Carolina Railroad Company, was taken up on its second reading.

Mr. Hughes offered an amendment, providing that no convict shall be taken from the Penitentiary to work on said railroad without his consent in writing, which amendment was voted down.

The bill then passed its second reading by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Atwater, Barnett, Barnhardt of Caldwell, Bernheardt of Rowan, Bennett, Bettis, Bizzell, Bryson, Candler, Davis of Haywood, Erwin, Etheridge, Finger, Freeman, Gaither, Garrison, Gash, Glenn, Green, Griffin, Gudger, Hay more, Hicks, Holt, Hughes, Hurley, Jessup, Johnston, Kendall, King, Latta, Martin, McCubbins, McIver, McNeill, Mendenhall, Moffitt, Moring, Page, Parker, Patton, Pinnix, Reid, Shackelford, Sharpe, Smith of Anson, Smith of Hyde, Spears Staples, Staton, Stowe, Tate, Thompson of Beaufort, Thompson of Lincoln, Walker of Richmond, Walker of Tyrrell, Ward, Wells, Whisnant, Wiley, Woodhouse and Young—62.

The following gentlemen voted in the negative:

Messrs. Brewington, Bunn, Carter, Cary, Cr ws, Good, Hill, Jones, Lloyd, Moore, Thorne, Walden and White—13.

S. B. No. 564, H. B. No. 557: A bill to allow the commissioners of Currituck county to issue bonds, &c., was taken up, and passed its third reading by the following vote, and was ordered to be enrolled for ratification.

The following gentlemen voted in the affirmative:

Messrs. Atwater, Barnett, Barnhardt of Caldwell, Bernheardt of Rowan, Bennett, Bettis, Bizzell, Brewington, Bryson, Candler, Carter, Cary, Crews, Davis of Haywood, Erwin, Etheridge, Foote, Freeman, Gaither, Garrison, Gash, Glenn, Good, Green, Griffin, Gudger, Haymore, Hicks, Hill, Holt,

Hughes, Hurley, Jessup, Johnston, Jones, Kendall, King, Latta, Lloyd, Martin, McCubbins, McIver, McNeill, Mendenhall, Mock, Moffitt, Moring, Page, Parker, Patton, Pinnix, Reid, Richardson, Shackelford, Sharpe, Smith of Anson, Smith of Hyde, Spears, Staton, Stowe, Tate, Thompson of Beaufort, Thompson of Lincoln, Thorne, Walden, Walker of Richmond, Walker of Tyrrell, Ward, Wells, Whisnant, White, Wiley, Wood, Woodhouse and Young—75.

Mr. Bunn voted in the negative.

A message was received from his Excellency, the Governor, transmitting a memorial of the trustees of the University of North Carolina.

On motion of Mr. Mendenhall, the message and accompanying documents, were ordered to be transmitted to the Senate, with a proposition to print, and then be referred for joint action to the Joint Committee on Education.

A message was received from the Senate informing the House that the Senate had concurred in H. R. No. 142: Resolution on adjournment, and naming Messrs. Marler and Albright as the Senate branch thereof.

The Speaker announced Messrs. Trivett, Patton and Reid, as the House branch of said committee.

A message was received from the Senate transmitting engrossed copies of the following Senate bills, and asking concurrence therein:

- S. B. No. 448: A bill to encourage the manufacture of domestic wines in this State.
- S. B. No. 484: A bill to incorporate the Burnt Chimney Academy, Rutherford county.
- S. B. No. 628: A bill to amend section 8, chapter 44, Battle's Revisal.
  - S. B. No. 609: A bill to levy a special tax for Hyde county.
- S. B. No. 495: A bill to prohibit the sale of liquor within one and a half miles of Bruner's depot, Union county.
- S. B. No. 639: A bill to repeal the prohibitory law in Trenton, Jones county.

Senate bills No's. 448, 495 and 639, were referred to the Committee on Propositions and Grievances.

S. B. No. 609: To the Committee on Finance.

S. B. No. 628: To the Judiciary Committee; and

S. B. No. 484: To the Committee on Corporations.

A message was received from the Senate transmitting an engrossed copy of S. R. No. 641: Resolution to pay the clerk of the Joint Committee on State Railroads, and asking concurrence.

It was read the first time and referred to the Committee on Claims.

A message was received from the Senate, transmitting an engrossed copy of S. R. No. 648: Resolution on the subject of an asylum, and asking concurrence therein, and naming Messrs. Linney and Anderson as the Senate branch of said proposed committee.

On motion of Mr. Gudger, the rules were suspended, and the resolution was adopted and ordered to be enrolled for ratification, and a message ordered to be sent to the Senate informing that body of the action of the House.

Messrs. Richardson, Wiley and Norment were announced as the House branch of the committee raised under S. R. No. 648.

H. B. No. 530: A bill to authorize the commissioners of Montgomery county to levy a special tax, was taken up, the amendments reported by the committee were adopted, and the bill passed its second reading by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Atwater, Barnett, Barnhardt of Caldwell, Bernheardt of Rowan, Bennett, Bettis, Bizzell, Brewington, Bryson, Candler, Carter, Cary, Davis of Haywood, Erwin, Etheridge, Finger, Foote, Freeman, Gaither, Garrison, Gash, Glenn, Good, Green, Griffin, Gudger, Haymore, Hughes, Hurley, Jessup, Johnston, Jones, Kendall, King, Latta, Lloyd, Martin, McCubbins, McIver, Mendenhall, Mock, Moffitt, Moring, Page, Parker, Patton, Pinnix, Reid, Richardson, Shackelford, Sharpe,

Smith of Anson, Smith of Hyde, Spears, Stowe, Tate, Thompson of Beaufort, Thompson of Lincoln, Thorne, Walker of Richmond, Walker of Tyrrell, Ward, Wells, Whisnant, White, Wiley, Wood, Woodhouse and Young—69.

The following gentlemen voted in the negative:

Messrs. Bunn and Crews-2.

S. B. No. 300, H. B. No. 427: A bill to incorporate the Albemarle and Roanoke Railroad Company, was taken up and passed its second reading by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Atwater, Barnett, Bettis, Bizzell, Brewington, Candler, Carter, Cary, Crews, Davis of Haywood, Erwin, Etheridge, Finger, Freeman, Gaither, Garrison, Gash, Good, Green, Griffin, Haymore, Hicks, Holt, Hughes, Jessup, Johnston, Jones, Kendall, Latta, Lloyd, Martin, McCubbins, McIver, Mendenhall, Mock, Moffitt, Moring, Oaksmith, Page, Parker, Patton, Pinnix, Reid, Richardson, Scott, Sharpe, Smith of Anson, Smith of Hyde, Spears, Staples, Staton, Stowe, Tate, Thompson of Beaufort, Thompson of Lincoln, Thorne, Walker of Richmond, Walker of Tyrrell, Ward, Wells, Whisnant, Wiley, Wood, Woodhouse and Young—65.

The following gentlemen voted in the negative:

Messrs. Barnhardt of Caldwell, Bernheardt of Rowan, and Bunn-3.

A message was received from the Senate transmitting an engrossed copy of

S. R. No. 662: A resolution authorizing the Engrossing and Enrolling Clerks to employ additional clerical assistance, and asking concurrence therein.

On motion, S. R. No. 662, was taken up, and passed its several readings, and was ordered to be enrolled for ratification.

On motion, the House adjourned until Monday at 10 A. M.

# SIXTY-FIRST DAY.

Monday, February 22nd, 1875.

The House met at 10 o'clock, Mr. Speaker Robinson in the chair.

Prayer by the Rev. Mr. Atkinson, of this city. The Journal of yesterday was read and approved.

## INTRODUCTION OF PETITIONS.

By Mr. Walker, of Richmond: A petition from citizens of Rockingham, praying the passage of the bill to incorporate the town of Great Falls, in the county of Richmond, which was placed on the calendar; and

By Mr. Young: A petition from citizens of Mitchell county in regard to the incorporation of Bakersville, which was referred to the Committee on Propositions and Grievances.

## REPORTS OF STANDING COMMITTEES.

Mr. Barnhardt, of Caldwell, from the Committee on Propositions and Grievances, reported on

H. R. No. 168: A resolution asking the General Assembly of South Carolina to pass a law opening a fish way at the Cherokee dam on Main Broad river, in South Carolina, and recommended the passage of the resolution, with the adoption of the substitute recommended by the committee;

H. B. No. 576: A bill to amend an act to amend chapter 171, laws of 1872-'73, recommending its passage.

Mr. McCubbins, from the Committee on Corporations, reported on

S. B. No. 481, H. B. No. 571: A bill to amend the charter of the town of Durham, with an amendment, and recommended the passage of the bill with the adoption of the substitute.

Mr. Shackelford, from the Committee on Engrossed Bills, reported that

H. B. No. 392: A bill to change the dividing line between the counties of Lincoln and Gaston, had been correctly engrossed, and a message was sent to the Senate transmitting the same and asking concurrence therein.

The following bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the Senate:

An act to incorporate the Bank of Gaston county.

An act to incorporate the Golden Lyre Lodge, No. 1608, Grand United Order of Odd Fellows, of Wilmington, N. C.

An act to regulate the rate of interest and to prevent usury. Resolution of instruction to our Senators and Representatives in Congress.

Resolution on adjournment.

An act to incorporate the Oak City Building and Loan Association, of Raleigh, N. C.

Mr. Reid, from the Committee on Claims, made a favorable report on

S. R. No. 641: A resolution to pay the clerk of the Joint Committee on State Railroads, and under a suspension of the rules, the resolution was put on its several readings and passed, and was ordered to be enrolled.

### INTRODUCTION OF RESOLUTIONS.

By Mr. Mendenhall: A resolution of instruction to the Board of Internal Improvements. Referred to the Judiciary Committee.

By Mr. Green: A resolution in reference to night sessions. Placed on the calendar.

### INTRODUCTION OF BILLS.

The following bills were introduced and referred to the Judiciary Committee:

By Mr. Green: A bill to authorize the commissioners of Watauga county to establish burnt or lost records.

By Mr. Finger: A bill regulating the venue of actions against insurance companies.

By Mr. Walker, of Richmond: A bill to ascertain the indebtedness of the different counties of the State, and prescribe a statute of limitations.

By Mr. Staton: A bill for the better government of the town of Tarboro'. Referred to the Committee on Counties, Cities. &c.

By Mr. Green: A bill to amend chapter 50, private laws of 1871-'72, &c. Placed on the calendar.

By Mr. Holt: A bill to incorporate Olive Branch Lodge, I. O. O. F. No. 37. Referred to the Committee on Corporations.

By Mr. Parker: A bill to prohibit the sale of spirituous liquors within five miles of the town of Murfreesboro', Hertford county. Referred to the Committee on Propositions and Grievances.

Mr. Norment was excused from serving on the committee appointed to visit certain localities in connection with the subject of the Lunatic Asylum, and Mr. Moring was appointed in his place.

Indefinite leave of absence was granted to Mr. McRae, on account of sickness, and to Mr. Munden for the same cause.

On motion of Mr. Staples, the calendar was placed at the disposal of the Speaker for the remainder of the morning session.

Under the force of this resolution the Speaker put the following bills on their readings:

H. B. No. 392: A bill to change the dividing line between the counties of Lincoln and Gaston.

The amendments proposed by the committee were accepted

and the bill passed its several readings, and was ordered to be engrossed and sent to the Senate.

H. B. No. 468: A bill in relation to lunatics in the several counties of the State, was taken up, and, on motion of Mr. Thompson, of Lincoln, was re-committed to the Joint Committee on the Insane Asylum.

H. B. No. 324: A bill to allow the commissioners of Ashe county to levy a special tax, was taken up and passed its second reading by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Barnett, Barnhardt iof Caldwell, Bernheardt of Rowan, Bennett, Bettis, Bizzell, Blythe, Brewington, Bryson, Candler, Cary, Davis of Haywood, Davis of Jackson, Dortch, Erwin, Etheridge, Foote, Freeman, Gaither, Garrison, Gash, Glenn, Godwin, Good, Green, Griffin, Gudger, Hanner, Haymore, Hicks, Hill, Jessup, Jones, Kendall, Latta, Lloyd, Martin, McCubbins, McNeill, Mendenhall, Mizell, Moffitt, Norment, Oaksmith, Parker, Parrott, Patton, Presson, Reid, Shackelford, Sharpe, Smith of Anson, Smith of Hyde, Spears, Staples, Staton, Stowe, Tate, Thompson of Beaufort, Thompson of Lincoln, Thorne, Trivett, Walker of Richmond, Walker of Tyrrell, Ward, Wells, Whisnant, Wood, Woodhouse and Young—70.

The following gentlemen voted in the negative:

Messrs. Bunn and Crews-2.

H. B. No. 548: A bill to allow the commissioners of Pitt county to levy a special tax, was taken up.

Mr. Bunn offered a proviso, submitting the proposed tax to the voters of the county, which was rejected, and the bill passed its second reading by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Barnett, Barnhardt of Caldwell, Bernheardt of Rowan, Bennett, Bettis, Bizzell, Blythe, Brewington, Bryson, Candler, Cary, Davis of Haywood, Davis of Jackson, Dortch, Erwin, Etheridge, Foote, Freeman, Gaither, Garrison, Gash, Glenn, Godwin, Good, Green, Griffin, Gudger, Hanner, Haymore, Hicks, Hill, Jessup, Jones, Kendall, Latta, Lloyd, Martin, McCubbins, McNeill, Mendenhall, Mizell, Mock, Moffitt, Norment, Page, Parker, Patton, Presson, Reid, Shackelford, Sharpe, Smith of Anson, Smith of Hyde, Spears, Staples, Staton, Stowe, Tate, Thompson of Beaufort, Thompson of Lincoln, Thorne, Trivett, Walden, Walker of Richmond, Walker of Tyrrell, Ward, Wells, Wheeler, Whisnant, White, Whitley, Wood, Woodhouse and Young—74.

The following gentlemen voted in the negative:

Messrs. Bunn and Crews-2.

S. B. No. 453, H. B. No. 534: A bill to incorporate the town of Shelby, Cleaveland county, was taken up, passed its several readings, and was ordered to be enrolled for ratification.

H. B. No. 374: A bill to authorize the commissioners of Stanly county to subscribe to the capital stock of the Yadkin Railroad Company, was taken up.

Mr. Freeman moved to strike out "June" and insert "August," which amendment was adopted, and the bill passed its third reading by the following vote, and was ordered to be engrossed.

The following gentlemen voted in the affirmative:

Messrs. Barnett, Bernheardt of Rowan, Bennett, Bettis, Bizzell, Blythe, Brewington, Bryson, Candler, Carter, Crews, Davis of Haywood, Dortch, Erwin, Etheridge, Finger, Foote, Freeman, Gaither, Garrison, Gash, Glenn, Good, Green, Griffin, Gudger, Hanner, Haymore, Hicks, Hill, Hughes, Jessup, Jones, Kendall, Latta, Lloyd, Martin, McCalop, McCubbins, McNeill, Mendenhall, Mizell, Moek, Moffitt, Norment, Parker, Parrott, Patton, Presson, Reid, Shackelford, Sharpe, Smith of Hyde, Spears, Staples, Staton, Stowe, Tate, Thompson of Beaufort, Thompson of Lincoln, Thorne, Trivett, Walden, Walker of Richmond, Walker of Tyrrell, Ward, Wells, Whisnant, Woodhouse and Young—70.

The following gentlemen voted in the negative:

Messrs. Barnhardt of Caldwell and Bunn-2.

H. R. No. 170: Resolution in reference to night sessions, was taken up.

Mr. Tate moved to postpone until this day week.

On this motion, Mr. Griffin called the yeas and nays.

The call was not sustained, and the motion to postpone prevailed.

H. B. No. 334: A bill to change the line of Pamlico county, was taken up.

Mr. Gash moved to amend by adding the following to the end of section 2:

That the change in the county line between Beaufort and Pamlico counties, shall not exempt the citizens of Richland township, Beaufort county, from their proportional part of the debt of Beaufort county.

The amendment was adopted, and the bill passed its several readings, and was ordered to be engrossed.

H. B. No. 346: A bill to require the Secretary of State to perform certain duties, was taken up.

Mr. Walker, of Richmond, offered a substitute for the bill. On motion, the whole matter was referred to the Committee on Salaries and Fees.

H. B. No. 530: A bill to authorize the commissioners of Montgomery county to levy a special tax, was taken up and passed its third reading by the following vote, and was ordered to be engrossed:

The following gentlemen voted in the affirmative:

Messrs. Barnett, Barnhardt of Caldwell, Bernheardt of Rowan, Bennett, Bettis, Bizzell, Bryson, Candler, Carter, Cary, Davis of Haywood, Davis of Jackson, Dortch, Erwin, Etheridge, Finger, Foote, Freeman, Gaither, Garrison, Gash, Glenn, Good, Green, Griffin, Gudger, Hanner, Haymore, Hill, Jessup, Jones, Kendall, Latta, Lloyd, Martin, McCubbins, McNeill, Mendenhall, Mizell, Mock, Moffitt, Norment, Page, Parker, Parrott, Patton, Presson, Reid, Shackelford, Sharpe, Smith of Anson, Smith of Hyde, Staton, Stowe, Tate, Thompson of Lincoln, Thorne, Trivett, Walker of Bichmond, Walker

of Tyrrell, Ward, Wells, Whisnant, Wood, Woodhouse and Young-66.

The following gentlemen voted in the negative:

Messrs. Bunn and Crews-2.

S. B. N. 300, H. B. No. 427: A bill to incorporate the Albemarle and Roanoke Railroad Company, was taken up, and passed its third reading by the following vote, and was ordered to be enrolled for ratification:

The following gentlemen voted in the affirmative:

Messrs. Barnett, Bizzell, Cary, Davis of Haywood, Dortch, Erwin, Etheridge, Finger, Foote, Freeman, Gaither, Garrison, Gash, Glenn, Good, Green, Griffin, Gudger, Haymore, Hill, Jessup, Jones, Kendall, Latta, Lloyd, Martin, McCubbins, Mendenhall, Mizell, Mock, Norment, Page, Parker, Parrott, Patton, Presson, Reid, Shackelford, Sharpe, Smith of Anson, Smith of Hyde, Spears, Staton, Stowe, Tate, Thompson of Beaufort, Thompson of Lincoln, Thorne, Trivett, Walker of Richmond, Walker of Tyrrell, Ward, Wells, Whisnant, White, Woodhouse and Young—57.

The following gentlemen voted in the negative:

Messrs. Barnhardt of Caldwell, Bunn, Carter and Crews—4. H. B. No. 566: A bill for the better protection of the Caldwell and Watauga Turnpike Company, was taken up.

The amendments reported by the committee were accepted, and the bill passed its several readings, and was ordered to be engrossed.

H. B. No. 511: A bill to authorize the commissioners of Haywood county to levy a special tax, was taken up, and passed its second reading by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Barnett, Barnhardt of Caldwell, Bernheardt of Rowan, Bennett, Bettis, Bizzell, Brewington, Bryson, Candler, Carter, Cary, Davis of Haywood, Davis of Jackson, Dortch, Erwin, Etheridge, Finger Freeman, Gaither, Garrison, Gash, Glenn, Good, Green, Griffin, Gudger, Haymore, Hicks, Hill, Jessup, Jones, Kendall, Latta, Lloyd, Martin, McCubbins, Mc-

Neill, Mendenhall, Mizell, Mock, Moffitt, Norment, Page, Parker, Parrott, Patton, Presson, Reid, Shackelford, Sharpe, Smith of Anson, Smith of Hyde, Spears, Staton, Stowe, Tate, Thompson of Beaufort, Thompson of Lincoln, Thorne, Trivett, Walden, Walker of Richmond, Walker of Tyrrell, Wells, Whisnant, White, Wood, Woodhouse and Young—69.

The following gentlemen voted in the negative:

Messrs. Bunn and Crews-2.

A message was received from the Senate transmitting the following, and asking concurrence therein:

S. B. No. 402: A bill to authorize the commissioners of Craven county to levy a special tax;

S. B. No. 377: A bill to incorporate the Widow's and Orphan's Benefit Society, North Carolina Conference, Methodist Episcopal Church, South;

Engrossed Senate amendments to S. R. No. 522, H. R. No. 134: A resolution requesting our Representatives in Congress to have the pension law amended;

Engrossed Senate amendment to H. B. No. 72, S. B. No. 322: A bill to allow the commissioners of Jones county to levy a special tax;

S. B. No. 601: A bill to provide a fence law for the counties of Union and Anson.

S. B. No. 402, was referred to the Committee on Finance;

S. B. No. 377, to the Committee on Corporations;

S. B. No. 601: to the Committee on Agriculture.

The Senate amendments to H. B. No. 72, S. B. No. 322, and H. R. No. 134, S. R. No. 522, were concurred in, and they were ordered to be enrolled for ratification, and a message was sent to the Senate informing that body of the action of the House.

S. B. No. 144, H. B. No. 255: A bill to prevent obstructions to the navigation of Newport river, was taken up, passed its several readings, and was ordered to be enrolled for ratification.

H. B. No. 523: A bill amendatory of an act amending the

charter of the North Carolina Railroad Company, &c., was taken up on its third reading.

Mr. King moved to amend by striking out the word "said" in line 1, section 6, and inserting the word "county," and after the word "commissioners," in same line, insert the words "in their discretion," and in line 3, same section, strike out the word "the" and insert "their." In section 7, after the word "commissioners," insert the words "mentioned in section 1st of this act." The amendment was adopted.

Mr. Oaksmith offered the following amendment, adding the two following sections to come in previous to the enacting clause:

Any railroad in this State shall have the right to connect, pro-rate or exchange tariff with said Company, upon mutual reciprocate terms; and in case of any disagreement as to terms or rates, the same shall be decided by arbitration or in any manner hereafter prescribed by law.

The State of North Carolina reserves the right to regulate the rates of fares and freights on this line whenever, in the judgment of the General Assembly, the public interest may demand.

The bill then passed its third reading by the following vote, and was ordered to be engrossed.

The following gentlemen voted in the affirmative:

Messrs. Barnett, Barnhardt of Caldwell, Bernheardt of Rowan, Bennett, Bettis, Bizzell, Brewington, Bryson, Candler, Carter, Cary, Crews, Davis of Haywood, Davis of Jackson, Dortch, Erwin, Finger, Foote, Freeman, Gaither, Garrison, Gash, Glenn, Good, Green, Griffin, Gudger, Hanner, Haymore, Hicks, Hill, Holt, Jessup, Jones, Kendall, King, Latta, Martin, McCubbins, McNeill, Mendenhall, Mizell, Mock, Moffitt, Norment, Oaksmith, Page, Parker, Parrott, Patton, Presson, Proffitt, Reid, Shackelford, Sharpe, Smith of Anson, Smith of Hyde, Spears, Staton, Stowe, Tate, Thompson of

Beaufort, Thompson of Lincoln, Thorne, Trivett, Walden, Ward, Wells, Whisnant, White, Whitley, Wood, Woodhouse and Young-74.

The following gentlemen voted in the negative:

Messrs. Bunn and Lloyd-2.

Mr. Spears offered a resolution to adjourn in honor of Washington's birth-day.

Mr. Spears moved to suspend the rules and adopt the resolution.

The motion was put to a vote, but did not prevail.

The resolution took its place on the calendar.

## SPECIAL ORDER.

H. B. No. 541: A bill in relation to the Western North Carolina Railroad, was taken up as the special order of the hour. It was adopted as a substitute for

H. B. No. 221: A bill in relation to the same matter.

The question recurred on the bill on its second reading.

On motion of Mr. Lloyd, it was postponed until Wednesday next at 12 M.

A message was received from the Senate transmitting an engrossed copy of

- H. B. No. 551: A bill to incorporate the Rutherford Manufacturing Company, and asking concurrence therein. The bill was read the first time, and referred to the Committee on Corporations.
- S. B. No. 372, H. B. No. 559: A bill to incorporate Piney Creek Baptist church, Alleghany county, was taken up, passed its several readings, and was ordered to be enrolled for ratification.
- H. B. No. 479: A bill to repeal a portion of chapter 137, laws of 1873-'74, was taken up, passed its several readings, and was ordered to be engrossed.

The question of concurrence or non-concurrence in engrossed Senate amendments to

H. B. No. 43, S. B. No. 166: A bill to repeal an act passed at the session of 1872-73, was put.

Mr. Candler offered the following proviso, which was re-

jected:

Provided, This act shall not take effect until the people of Haywood county build a good bridge across Pigeon river, in Haywood county.

The Senate amendments were concurred in, and the bill was ordered to be enrolled for ratification.

S. R. No. 641, H. R. No. 173: A resolution to pay clerk of the Joint Committee on State Railroads, was taken up and passed its several readings, and was ordered to be enrolled for ratification.

The Speaker appointed the following gentlemen as a special committee of five to whom the resolutions of Mr. Glenn, on the Civil Rights Bill, was ordered to be referred: Messrs. Glenn, Staples, Gash, Green and Trivett.

The use of this hall for to-morrow evening was granted to Prof. Kerr for the purpose of delivering a lecture.

Mr. Spears' resolution, adjourning in honor of Washington's birth-day, was taken up and adopted, and the House adjourned until to-morrow at 10 A. M.

# SIXTY-SECOND DAY.

Tuesday, February 23d, 1875.

The House met at 10 o'clock, Mr. Speaker Robinson in the chair.

Prayer by the Rev. Mr. Marshall, of this city.

On motion, the farther reading of the Journal of yesterday was dispensed with.

#### INTRODUCTION OF PETITIONS.

By Mr. Blythe: A petition from citizens of Henderson county, asking an act prohibiting the sale of spirituous liquors within three miles of French Broad church, in said county.

By Mr. Glenn: A petition of certain citizens of Buck Shoal township, praying the passage of a prohibitory liquor law, and for other purposes.

By Mr. Shackelford: A petition from citizens of White Oak township, in Onslow county, in relation to the sale of spirituous liquors within five miles of Tabernacle church, in said county. All of which were referred to the Committee on Propositions and Grievances.

## REPORTS OF STANDING COMMITTEES.

- Mr. Barnhardt, of Caldwell, from the Committee on Propositions and Grievances, reported on the following bills, with amendments, and recomended the passage of the bills with the adoption of the amendments:
- H. B. No. 609: A bill to prohibit the killing of deer at certain seasons of the year; and
- H. B. No. 621: A bill to prohibit the sale of spirituous liquors within five miles of the town of Murfreesboro', Hertford county; and unfavorably on
- S. B. No. 448, H. B. No. 615: A bill to encourage the manufacture of domestic wines in this State.
- Mr. Woodhouse, from the Committee on Railroads, Post Roads and Turnpikes, reported favorably on
- H. B. No. 574: A bill to amend the general railway laws of the State; and on
- H. B. No. 582: A bill to amend chapter 29, laws of 1873-'74, and chapter 36, amendatory thereof, session 1873-'74, with an amendment, and with the adoption of the amendment, recommended the passage of the bill.

Mr. Mendenhall, from the Committee on Education, reported favorably on

H. B. No. 524: A bill to amend the charter of the town of Winston, for the purpose of establishing graded schools.

Mr. Staton, from the Committee on Cities, Towns, &c., reported favorably on the following:

H. B. No. 580: A bill to authorize the county commissioners of Brunswick county to submit to the people of that county the question of changing the county seat.

H. B. No. 535: A bill to create another townsnip in the county of Lenoir.

S. B. No. 406, H. B. No. 563: A bill to amend the charter of the town of Beaufort; and

S. B. No. 604, H. B. No. 581: A bill supplemental to the charter of the town of Statesville, in Iredell county.

Mr. Shackelford, from the Committee on Engrossed Bills, reported the following as correctly engrossed, and they were ordered to be transmitted to the Senate for concurrence:

H. B. No. 334: A bill to change the line of Pamlico county.

H. B. No. 640: A bill to create another township in the county of Lenoir.

H. B. No 629: A bill supplemental of an act in favor of the contractors and employees of the Marion and Asheville Turnpike, &c.

H. B. No. 566: A bill for the better protection of the Caldwell and Watauga Turnpike Company.

H. B. No. 523: A bill amendatory of an act amending the charter of the North Carolina Railroad Company, and for other purposes.

H. B. No. 374: A bill to authorize the commissioners of Stanly county to subscribe to the capital stock of the Yadkin Railroad Company.

H. B. No. 530: A bill to authorize the commissioners of Montgomery county to levy a special tax.

<sup>[</sup>Note—This report includes bills acted upon and engrossed during the sitting of the House.]

The following bills and resolutions reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the Senate:

An act to amend the charter of the city of Newbern.

An act to provide for the passage of fish in the Catawba, Dan and Mayo rivers.

Resolution authorizing the Engrossing Clerks and Enrolling Clerk to employ additional assistance.

Resolution on the subject of asylum.

An act to incorporate the Roanoke Valley Railroad Company.

An act in relation to lotteries and gift concerts.

An act to incorporate the Cleaveland Savings Bank in the town of Shelby, Cleaveland county.

Mr. Staples, from the Committee on Insane Asylum, reported on

H. B. No. 468: A bill in relation to the lunatics in the State, recommending the adoption of the substitute offered.

### INTRODUCTION OF RESOLUTIONS.

By Mr. Shackelford: A resolution in favor of J. H. Ennis, which was referred to the Committee on Claims.

### INTRODUCTION OF BILLS.

By Mr. Carter: A bill to incorporate the Plummer Hook and Ladder Company, No. 1.

By Mr. Pinnix: A bill to amend the charter of the Bank of Mecklenburg; and

By Mr. Kendall: A bill to incorporate Balfour Lodge of Free and Accepted Masons, in the town of Ashboro, Randolph county, which were all referred to the Committee on Corporations.

By Mr. Green: A bill to secure certain privileges in the waters of New river; and

By Mr. Shackelford: A bill to prohibit the sale of spirituous liquors within five miles of Tabernacle church, in Onslow county, both of which were referred to the Committee on Propositions and Grievances.

By Mr. Thompson, of Lincoln: A bill to secure the insurance of public buildings in the county of Lincoln, which was referred to the Committee on Judiciary.

By Mr. Moffitt: A bill to amend chapter 106, of the laws of 1873-'74, which was referred to the Committee on Finance.

By consent, Mr. Carson introduced a resolution in relation to the Journal of Education, which was placed on the calendar.

The rules were suspended to take up the bill introduced this morning by Mr. Finger, supplemental to an act in favor of the contractors and employees of the Marion and Asheville Turnpike, passed at this session of the General Assembly, and ratified the 18th day of February, 1875.

The bill was put on its second reading and passed.

Upon going to a third reading, Mr. Young sent forward the following amendment:

"That the contractors in Mitchell have their pro rata part that has no warrants."

The question was on the amendment, and it failed for want of a quorum voting.

Mr. Young sent forward another amendment, as follows:

"Insert after 'services as such,' the following: 'And to the claims of William McKinney and S. J. Buchanan, contractors and employees, not to exceed one hundred and eightytwo dollars.'"

The amendment was adopted, and the first amendment was withdrawn, and the bill then passed its third reading, and was ordered to be engrossed and sent to the Senate.

On motion of Mr. Norment,

H. B. No. 576: A bill to amend chapter 171, laws of 1872-73, was put on its several readings and passed, and was ordered to be engrossed and sent to the Senate.

On motion of Mr. Green, the calendar was placed at the disposal of the Speaker for the remainder of this day's session.

On motion, H. B. No. 388: A bill for the protection of fisheries, was withdrawn from the calendar, and re-committed to the Committee on Propositions and Grievances.

H. B. No. 580: A bill to authorize the commissioners of Brunswick county to submit to the people of the county the question of changing the county seat, was put on its several readings and passed, and was ordered to be engressed and sent to the Senate.

The Speaker announced the arrival of the hour for the first

# SPECIAL ORDER,

Being H. B. No. 135: A bill concerning corporations.

On motion of Mr. Pinnix, further present consideration was postponed, and the bill was made special order for Thursday next at 11 o'clock.

On motion of Mr. Mendenhall, the resolution introduced by himself this morning in relation to the Journal of Education, was taken up and put on its second reading, and the question being put, no quorum voted.

Mr. Foote demanded the yeas and nays. The call was sustained, and the bill passed second reading by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Atwater, Barnett, Barnhardt of Caldwell, Bennett Bryan, Candler, Cary, Davis of Haywood, Finger, Foote, Freelman, Gash, Good, Griffin, Harrison, Haymore, Hicks, Hill, Jessup, King, Latta, Martin, Mendenhall, Mitchell, Mizell, Mock, Page, Parrott, Patton, Pinnix, Presson, Proffitt, Shackelford, Smith of Anson, Smith of Hyde, Spears, Staton, Tate, Thorne, Walker of Richmond, Walker of Tyrrell, Whitley, Wood—43. The following gentlemen voted in the negative:

Messrs. Bernheardt of Rowan, Bettis, Bizzell, Brewington, Bryson, Carter, Crews, Davis of Jackson, Erwin, Etheridge, Gaither, Garrison, Glenn, Green, Gudger, Hanner, Holt, Kendall, Lloyd, McCubbins, Moffitt, Moore, Norment, Parker, Sharpe, Stowe, Thompson of Beaufort, Thompson of Lincoln, Walden, Ward, Wells, Wheeler, Whisnant, White, Woodhouse and Young—36.

And the resolution was put on its third reading and passed, and was ordered to be engrossed and sent to the Senate.

A message was received from the Senate transmitting engrossed copies of the following Senate bills and resolutions, and asking concurrence therein:

- S. B. No. 474: A bill for the relief of the sureties of the late sheriff of Halifax county.
  - S. R. No. 523: A resolution in favor of John G. Bagwell.
- S. B. No. 425: A bill to authorize the commissioners of Moore county to levy a special tax.
- S. B. No. 612: A bill to incorporate the Robeson county Agricultural Society.
- S. B. No. 626: A bill to incorporate the Ashpole Educational Company.
- S. B. No. 359: A bill to obtain information concerning the State's interest in works of internal improvements.
- S. B. No. 580: A bill to provide for the support of the Institution for the Deaf, Dumb and Blind, for the years 1875-76.
- H. B. No. 405: A bill to repeal section 2, chapter 64, private laws of 1870-'71.
- S. B. No. 401: A bill to authorize the sale of certain streets and alleys in the town of Shelby, Cleaveland county.

They were read the first time and referred as follows:

Senate Bills Nos. 474 and 425 were referred to the Committee on Finance.

- S. R. No. 523, to the Committee on Claims.
- S. B. No. 612, to Committee on Corporations.
- S. B. No. 626, to Committee on Education.

- S. B. No. 359, to Committee on Internal Improvements.
- S. B. No. 580, placed on the calendar.
- S. B. No. 405, to the Judiciary Committee.
- S. B. No. 401, to the Committee on Counties, Cities, &c.

A second message was received from the Senate transmitting an engrossed copy of S. B. No. 675: A bill to allow Lincolnton township, Lincoln county, to subscribe to the Chester and Lenoir Narrow Gauge Railroad, and asking the concurrence of the House therein. It was read the first time and referred to the Committee on Finance.

H. B. No. 555: A bill to create a new township in the county of Lenoir. The substitute offered by the Committee was adopted, and takes its number on the calendar as H. B. No. 640, and was put on its several readings and passed, and was ordered to be engrossed and sent to the Senate.

Mr. Shackelford moved to reconsider the vote by which the bill passed, and to lay that motion on the table, and the motion to table prevailed.

S. B. No. 511, H. B. No. 558: A bill to incorporate the Direct Trade Union, Patrons of Husbandry, was taken up. The amendments of the committee were concurred in, and the bill then passed its several readings, and was ordered to be enrolled for ratification.

S. B. No. 456, H. B. No. 516: A bill for the better regulation of the Newbern Academy, was taken up and passed its several readings, and was ordered to be enrolled for ratification.

H. B. No. 575: A bill to continue in force an act incorporating the Bank of Raleigh, was taken up, passed its several readings and was ordered to be engrossed.

H. B. No. 353: A bill to prevent the sale of intoxicating liquors within five miles of the Asheville and Spartanburg Railroad, was taken up. The amendment of the Committee on Propositions and Grievances was adopted, and the bill passed its several readings and was ordered to be engrossed.

H. B. No. 463: A bill to allow the commissioners of Rock-

ingham county to levy a special tax, was taken up and passed its second reading by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Atwater, Barnett, Barnhardt of Caldwell, Bernheardt of Rowan, Bennett, Bettis, Bizzell, Boyd, Brewington, Bryan, Bryson, Candler, Carson, Cary, Davis of Haywood, Davis of Jackson, Dortch, Erwin, Finger, Foote, Freeman, Gaither, Garrison, Gash, Glenn, Good, Green, Griffin, Gudger, Hanner, Haymore, Hicks, Hill, Holt, Jessup, Jones, Kendall, King, Latta, Lloyd, Martin, McCubbins, Mendenhall, Mitchell, Mizell, Moffitt, Norment, Oaksmith, Page, Parker, Patton, Pinnix, Presson, Proffitt, Reid, Shackelford, Sharpe, Smith of Anson, Smith of Hyde, Spears, Staples, Staton, Stowe, Tate, Thompson of Beaufort, Thompson of Lincoln, Thorne, Trivett, Walden, Walker of Richmond, Walker of Tyrrell, Ward, Wells, Whisnant, White, Whitley, Wood and Woodhouse—78.

The following gentlemen voted in the negative:

Messrs. Bunn and Crews-2.

#### SPECIAL ORDER.

The resolution expelling J. W. Thorne, member from Warren, being the special order of the hour, 12 M., it was taken up for consideration.

By leave of the House, Mr. Walker, of Richmond, withdrew his substitute for the original resolution.

The question recurring upon the substitute of Mr. Moring, of which previous notice had been given, it was adopted.

Mr. Oaksmith moved to go into the Committee of the Whole. The motion was rejected.

Pending any definite action, the House adjourned until 7:30 P. M.

# EVENING SESSION.

The House was called to order at 7:30 o'clock by Mr. Speaker Robinson, and the unfinished business of the morning, being the resolution for the expulsion from this House of J. Williams Thorne, one of the members from the county of Warren.

The resolution was fully considered.

Mr. Foote sent forward a substitute, in the nature of an amendment.

At 10:30 o'clock Mr. Gash moved to adjourn until to-morrow at 10 o'clock, and the House refused to adjourn.

Mr. Spears sent forward the following amendment:

And whereas, the said J. Williams Thorne has written and published a pamphlet calculated to encourage infidelity and a want of confidence in the divine authenticity of the Holy Bible, thereby bringing it into contempt, and promoting vice and immorality.

The question was on the amendment of Mr. Spears.

Mr. Walker, of Richmond, demanded the yeas and nays. The motion did not prevail, and the question on the amendment was then put and lost.

Leave of absence was granted to Mr. McRae for ———, and indefinitely to Mr. Hughes on account of sickness in his family.

Pending consideration of the question before the House, on motion of Mr. Norment, the House adjourned at half-past 11 o'clock until 10 o'clock to-morrow morning.

# SIXTY-THIRD DAY.

Wednesay, February 24th, 1875.

The House met at 10 o'clock, Mr. Speaker Robinson in the chair.

Prayer by the Rev. Dr. Pritchard, of this city.

The reading of the Journal of yesterday was dispensed with.

A communication addressed to the Speaker of this House from the National Board of Trade was read by the Assistant Clerk of the House. The communication contained a memorial addressed to the Senate and House of Representatives of the State of North Carolina, and signed by Frederick Fraley, of Philadelphia, President of the National Board of Trade, which was referred to the Committee on Internal Improvements.

Another memorial, similarly addressed and signed, which was referred to the Committee on Judiciary.

And another, similarly addressed and signed, which was referred to the Committee on Corporations.

## REPORTS OF STANDING COMMITTEES.

Mr. Tate, from the Committee on Finance, reported favorably on the following bills:

- S. B. No. 425, H. B. No. 643: A bill to authorize the commissioners of Moore county to levy a special tax;
- S. B. No. 675, H. B. No. 641: A bill to allow Lincolnton township, Lincoln county, North Carolina, to subscribe to the Chester and Lenoir Narrow Gauge Railroad Company;
- S. B. No. 474, H. B. No. 635: A bill for the relief of the sureties of the late sheriff of Halifax county;
- S. B. No. 609, H. B. No. 613: A bill to levy a special tax for Hyde county; and on
  - S. B. No. 402, H. B. No. 624: A bill authorizing the com-

missioners of Craven county to levy a special tax; and unfavorably on

H. B. No. 634: A bill to amend chapter 106, of the laws of 1873-74.

Mr. Stephension, from the Joint Committee on Public Buildings and Grounds, reported favorably on

H. B. No. 484: A bill to donate a lot in the city of Raleigh for the purpose of erecting a Primitive Baptist church.

Mr. Gaither, from the Committee on Corporations, reported favorably on the following bills:

H. B. No. 627: A bill to incorporate Olive Branch Lodge, Independent Order of Odd Fellows, No. 37;

S. B. No. 484, H. B. No. 617: A bill to incorporate Burnt Chimney Academy, in Rutherford county; and

H. B. No. 602: A bill to incorporate Graham High School, in the county of Alamance.

Mr. Erwin, from the Committee on the Judiciary, reported favorably on

H. B. No. 630: A bill to secure the insurance of public buildings in Lincoln county;

H. R. No. 176: A resolution of instruction to the Board of Internal Improvements in regard to frauds, corruption, &c.; and on

H. B. No. 174: A bill to change the times of holding certain courts in the eleventh district, and recommended, with the adoption of the substitute, the passage of the bill.

Mr. McCubbins, from the Committee on Corporations, reported favorably on

S. B. No. 591, H. B. No. 606: A bill to amend the charter of the city of Newbern.

Mr. Shackelford, from the Committee on Engrossed Bills, reported the following as correctly engrossed, and they were transmitted to the Senate for the concurrence of that body:

H. R. No. 181: A resolution in relation to the Board of Education;

H. B. No. 479: A bill to repeal a portion of chapter 137, laws of 1873-74;

H. B. No. 576: A bill to amend chapter 171, laws 1872-'73;

H. B. No. 575: A bill to continue in force the act to incorporate the Bank of Raleigh;

H. B. No. 353: A bill to prevent the sale of intoxicating liquors within 3 miles of the Asheville and Spartanburg R. R.;

H. B. No. 580: A bill authorizing the county commissioners of Brunswick county to submit to the people of that county the question of changing the county seat.

The following bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the Senate:

An act authorizing the board of commissioners of Currituck county to issue bonds, and for other purposes;

An act to prevent obstructions to navigation in the waters of Newport river, Carteret county;

An act to levy a special tax for the county of Jones;

An act to incorporate Piney Creek Baptist church, in Alleghany county;

An act to amend an act entitled an act to authorize the board of county commissioners of Rowan county to subscribe to the capital stock of the Yadkin River Railroad Company;

Resolution requesting Representatives in Congress to amend pension laws;

Resolution to pay Clerk of the Joint Committee on State Railroads;

An act relative to the Western Turnpike Road in the counties of Buncombe and Haywood;

An act supplemental to an act in favor of the contractors and employees of the Marion and Asheville Turnpike, ratified the 18th day of February, 1875.

### INTRODUCTION OF RESOLUTIONS.

By Mr. Gudger: Resolution asking the Auditor to furnish

an itemized statement of money paid to counties for the year 1874, for keeping lunatics, which was placed on the calendar.

## INTRODUCTION OF BILLS.

By Mr. Harrison: A bill for the relief of Brice Haralson, of Caswell county, which was referred to the Committee on Propositions and Grievances.

By Mr. Pinnix: A bill to require officers of the various counties to make report of all moneys which may come into their hands, which was referred to the Committee on Judiciary; and

By Mr. Wood: A bill to repeal section 27, chapter 33, of Battle's Revisal, which was also referred to the Judiciary Committee.

Mr. Gudger moved that when the House adjourn it adjourn to 7:30 o'clock this evening, and the motion prevailed.

On motion of Mr. Candler, the calendar was placed at the disposition of the Speaker for the remainder of the morning session.

The unfinished business of last night was taken up, being the resolution for the expulsion of the member from Warren.

On motion, the consideration of the resolution was postponed until this evening at half past 7 o'clock.

Under a suspension of the rules, S. B. No. 448, was taken from the calendar and re-committed to the Committee on Propositions and Grievances.

Under a suspension of the rules, S. B. No. 389, H. B. No. 442: A bill to allow a mortgage deposit in courts of the State, was taken up and put on its several readings, and passed, and was ordered to be enrolled for ratification.

Under further suspension of the rules, H. B. No. 434: A bill to amend chapter 69, private laws of 1872-73, was taken up and passed its several readings, and was ordered to be engrossed and sent to the Senate.

### THE CALENDAR WAS TAKEN UP.

- H. B. No. 602: A bill to incorporate the Graham High School, in the county of Alamance, was taken up and passed its several readings, and was ordered to be engrossed and sent to the Senate.
- H. B. No. 101: A bill giving the right of redemption when real estate has been sold under execution, mortgages and deeds of trust, was put on its second reading, and failed to pass.
- H. B. No. 630: A bill to secure the insurance of public buildings in Lincoln county, was put on its several readings and passed, and was ordered to be engressed and sent to the Senate.
- H. B. No. 170: A bill to protect the tax payers of the State, and to amend chapter 97, Battle's Revisal, entitled "public printing," was, on motion, laid on the table.
- H. B. No. 175: A bill to amend chapter 95, public laws of the session of 1872-'73, was taken up on its second reading.

The question was put on the adoption of the substitute proposed by the committee, and the substitute was accepted.

Mr. Mebane moved to amend by adding, "This sum shall not exceed three hundred dollars," and the amendment was adopted.

The question then recurred on the passage of the bill on the second reading, on which Mr. Wheeler demanded the yeas and and nays.

The call was sustained, and the bill failed to pass by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Atwater, Dortch, Finger, Gash, Green, Kendall, McCubbins, Mebane, Moffitt, Norment, Parker, Presson, Smith of Anson and Tate—14.

The following gentlemen voted in the negative:

Messrs. Barnett, Barnhardt of Caldwell, Bernheardt of Rowan, Bettis, Bizzell, Blythe, Brewington, Bryan, Bryson, Bunn, Candler, Carter, Cary, Crews, Davis of Jackson, Eatman, Freeman, Gaither, Garrison, Glenn, Good, Griffin, Hanner, Harrison, Haymore, Hicks, Hill, Holt, Hooker, Isler, Jessup, Jones, Latta, Lloyd, Martin, Mendenhall, Mitchell, Mizell, Mock, Moseley, Page, Parrott, Patton, Pinnix, Proffitt, Reid, Scott, Shackelford, Sharpe, Smith of Hyde, Staples, Stephenson, Stowe, Thompson of Lincoln, Thorne, Trivett, Walden, Walker of Tyrrell, Ward, Wells, Wheeler, Whisnant, White, Whitley, Wood and Woodhouse—66.

A message was received from the Senate transmitting the following bills:

- S. B. No. 570: A bill to incorporate Orion Lodge, No. 67, I. O. O. F., of Wilmington, N. C.;
- S. B. No. 457: A bill to prevent the deposit of fish offal any where along the shores of Bogue Banks;
- S. B. No. 539: A bill in relation to taxation in Burke and McDowell counties;
- H. B. No. 633: A bill to incorporate the town of Youngsville, in the county of Franklin;
- S. B. No. 621: A bill to amend the charter of the North Carolina Mutual Home Insurance Company;
- S. B. No. 661: A bill to incorporate the Carolina Plumbago Company;
- S. B. 646: A bill concerning the jurisdiction of justices of the peace in criminal matters; and
- S. B. No. 559: A bill to attach so much of Craven county as lies north and east of Adams' creek, in Carteret county.

They were read the first time in this House, and were referred as follows:

Senate Bills Nos. 661, 621 and 670, were referred to the Committee on Corporations.

Senate Bills Nos. 559 and 633, to the Committee on Cities, Towns, &c.

- S. B. No, 646, to the Committee on the Judiciary.
- S. B. No. 539, to the Committee on Finance, and
- S. B. No. 457, to the Committee on Propositions and Grievances.

A message was received from the Governor transmitting to this House a report from some of the Directors of the Albemarle and Chesapeake Canal Company.

On motion of Mr. Hanner, the reading of the report was dispensed with, and a message was ordered to be sent to the Senate transmitting the communication of the Governor and the report of the Directors, with a proposition to print.

### THE CALENDAR WAS RESUMED.

- H. B. No. 210: A bill to amend chapter 270, section 91, laws of 1868-'69, as brought forward in Battle's Revisal, chapter 78, section 82, was taken up, and was, on motion, laid on the table.
- H. B. No. 14: A bill to exempt from taxation all wheat, corn, cotton, bacon and tobacco, was taken up, and, on motion, laid on the table.
- H. B. No. 227: A bill to amend section 41, chapter 104, of Battle's Revisal, was taken up, and, on motion, laid on the table.

The hour for the first special order was announced, being H. B. No. 457: A bill in relation to the public taxes due by the county of Wayne for the year 1870, the bill being on its third reading.

Mr. Dortch moved to amend by striking out section 1.

The question was on the amendment, and it was rejected.

The bill then passed its third reading, and was ordered to be engrossed and sent to the Senate.

The second special order, being H. B. No. 521: A bill in relation to the Western North Carolina Railroad, was taken up.

Mr. Oaksmith offered the following amendment: Amend by adding the following section previous to the enacting clause, so as to be the last section in the body of the bill:

"SEC. —. Be it farther especially enacted, That all the powers, rights and privileges conferred and granted by this

act, and so conferred and granted upon the sole condition that if the said Western North Carolina Railroad shall be purchased or acquired under the provisions of this act, it shall never be sold or alienated in any manner except by a two-thirds vote of the General Assembly, and only then as a part of a consolidated line under one control from Beaufort Harbor to Paint Rock or Ducktown via Asheville; and that its construction and control shall at all times be in conformity with and subject to the provisions of the general railway laws of this State."

Mr. Walker, of Richmond, offered the following amendments. Amend by adding to the end of line 5, section 6, the following proviso:

Provided, That the net earnings of said road shall first be applied to the payment of the coupons upon the bonds, and that said net earnings shall be deposited in the State Treasury for that purpose.

Insert before the word "provided" in the sixth line of said section, the word "and;" after the word "provided" in said line the word "further."

The question was put on the amendment of Mr. Oaksmith, and it was rejected.

The question was then put on the amendment of Mr. Walker, and it was accepted.

Mr. Dortch sent forward the following amendment, which was accepted: Amend line 2, section 6, by inserting after the word "convicts" in said line, the words "as are not necessary for completing the Penitentiary."

Mr. Staples sent forward the following amendment, which was accepted: Amend section 2, by adding: "Provided, That no sale under the mortgage or mortgages herein provided for, shall be made by virtue of any decree of foreclosure without first having given six months' notice thereof by public advertisement in six newspapers of the largest circulation in the State."

Mr. Staples sent forward the following additional amendment, which was accepted: Amend section three, by adding thereto the following:

The said commissioners before entering upon their duties herein provided for, shall execute a bond payable to the State of North Carolina, which shall be approved by the Governor, in such sum as may be necessary to secure the State, but in no case shall said bond be less than double the amount of the net earnings for the preceding year.

Mr. Gudger moved to postpone further consideration of the bill until Tuesday next at 12 o'clock, and on that motion the question was put and lost.

Mr. Staples sent forward the following additional amendment, which was accepted. Amend section 5, by adding at the end thereof: "That after such organization the number of the commissioners shall be increased to four, one of whom shall be elected by the private stockholders in such manner as the commissioners herein before provided for shall prescribe."

The question was then on the bill on its second reading.

Mr. Gudger offered the following amendment: Strike out in section — the words in line 3 and 4: "By and with the advice and consent of the Senate."

Mr. Patton offered the following as an amendment to the amendment: "Governor with the consent of the commissioners appointed in the 18th section of this act."

Under the ruling of the Speaker, Mr. Hanner in the chair, the amendment to the amendment was decided not to be germaine, and Mr. Gudger afterwads withdrew his amendment.

Mr. Lloyd and Mr. Crews offered amendments which were subsequently withdrawn.

Mr. Tate demanded the previous question, and the call was sustained, and the question was put on the second reading of the bill, and the bill passed.

Mr. Tate moved that the bill, with the accepted amendments,

be ordered to be printed and made special order for Saturday next at 12 o'clock, and there was no action on the motion.

Leave of absence was granted to Mr. Wells until Tuesday next; to Mr. Fields indefinitely, on account of sickness in his family; indefinitely to Mr. Bennett, on account of sickness in his family; to Mr. Bunn until Monday, and to Mr. Hill for one week, on account of private business.

On motion, the House adjourned until 7:30 P. M.

# EVENING SESSION.

The House was called to order at 7:30 P. M., Mr. Speaker Robinson in the chair.

### THE SPECIAL ORDER,

Being the resolution for the expulsion of J. Williams Thorne, one of the members from the county of Warren, was taken up.

Mr. Patton moved to reconsider the vote by which the substitute of Mr. Moring was adopted yesterday, and submitted a substitute which was read for the information of the House.

The question was on the motion to reconsider, and it prevailed, and the question was then on the adoption of the substitute of Mr. Moring.

The motion was lost, and the question was then on the resolution offered by Mr. Patton, as a substitute for the one of Mr. Hughes.

Mr. Norment moved that the resolution, together with the substitute now before the House, be re-committed to the Committee on Education.

The question was put, and it was rejected.

Mr. Norment then moved to postpone the further consideration of the subject until 11 o'clock to-morrow, with the un-

derstanding that it be then disposed of without debate, and on this motion the question was put and lost.

The question then recurred on the substitute offered by Mr. Patton.

After discussion, by leave of the House, Mr. Patton withdrew the substitute offered by him, and the question then recurred on the original resolution offered by Mr. Hughes.

Mr. Walker, of Richmond, moved to amend by striking out the word "sacriligious," and insert the word "blasphemous."

Mr. Finger sent forward the following amendment:

Insert after the words "North Carolina," the words "and of sound morality."

Mr. Walker, of Tyrrell, moved the whole subject be postponed, till the 20th day of March, which motion was put to the House and lost.

Mr. Tate moved to refer the whole subject to the Judiciary Committee, and on that motion demanded the yeas and nays.

The call was sustained, and the House refused to re-commit by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Brewington, Bunn, Cary, Crews, Good, Hill, Lloyd, Norment, Pinnix, Scott, Smith of Hyde, Strong, Tate, Ward, Whisnant and White—16.

The following gentlemen voted in the negative:

Messrs. Atwater, Barnhardt of Caldwell, Bernheardt of Rowan, Barrett, Bettis, Bizzell, Bryson, Davis of Haywood, Davis of Jackson, Dortch, Fatman, Erwin, Etheridge, Finger, Foote, Freeman, Gaither, Garrison, Gash, Glenn, Green, Gudger, Hanner, Harrison, Haymore, Hicks, Holt, Hooker, Isler, Jessup, Kendall, Latta, Martin, McCubbins, Mitchell, Mock, Moffitt, Moseley, Patton, Presson, Proffitt, Reid, Shackelford, Sharpe, Smith of Anson, Spears, Staples, Thompson of Beaufort, Thompson of Lincoln, Trivett, Walker of Richmond, Walker of Tyrrell, Wells, Whitley and Young—55.

And the question then recurred on the amendment sent forward by Mr. Finger, and it was adopted.

The question was then on the resolution.

Mr. Crews demanded the yeas and nays.

Mr. Norment moved that the further action on the subject be postponed until to-morrow at 10 o'clock, with the understanding that it be taken without debate. The motion was put and lost.

The question was then on the adoption of the resolution as amended, and they were adopted by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Atwater, Barnhardt of Caldwell, Bernheardt of Rowan, Barrett, Bettis, Bizzell, Bryson, Davis of Haywood, Davis of Jackson, Dortch, Finger, Foote, Freeman, Gaither, Gash, Green, Gudger, Hanner, Haymore, Holt, Hooker, Isler, Kendall, Latta, Martin, McCubbins, Mock, Moffitt, Moseley, Norment, Patton, Presson, Proffitt, Reid, Shackelford, Sharpe, Spears, Staples, Thompson of Beaufort, Thompson of Lincoln, Trivett, Walker of Richmond, Wells, Whitley and Young—46.

The following gentlemen voted in the negative:

Messrs. Brewington, Bunn, Carter, Cary, Crews, Etheridge, Garrison, Glenn, Good, Harrison, Hicks, Hill, Jessup, Jones, Lloyd, Mendenhall, Mitchell, Mizell, Moore, Parker, Pinnix, Scott, Smith of Anson, Smith of Hyde, Strong, Tate, Walker of Tyrrell, Ward, Whisnant, White and Wood—31.

Mr. Norment explained that he voted in the affirmative in order to move a reconsideration.

Mr. Gudger moved that the vote by which the resolutions were adopted be reconsidered, and that motion be laid on the table.

On the motion to table, Mr. Norment demanded the yeas and nays. The call was sustained, and the motion to table prevailed by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Atwater, Barnhardt of Caldwell, Bernheardt of Rowan, Barrett, Bettis, Bizzell, Bryson, Davis of Haywood, Davis of Jackson, Dortch, Erwin, Etheridge, Finger, Foote, Freeman, Gaither, Green, Gudger, Hanner, Haymore, Holt, Hooker,

Isler, Kendall, Latta, Martin, McCubbins, Mock, Moffitt, Moseley, Patton, Presson, Proffitt, Reid, Shackelford, Sharpe, Staples, Thompson of Beaufort, Thompson of Lincoln, Walker of Richmond, Wells, Whitley and Young—43.

The following gentlemen voted in the negative:

Messrs. Brewington, Bunn, Carter, Cary, Crews, Garrison, Gash, Glenn, Good, Harrison, Hill, Jessup, Jones, Lloyd, Mizell, Moore, Norment, Parker, Pinnix, Scott, Smith of Anson, Spears, Strong, Tate, Ward, Whisnant, White and Wood—28.

And the Speaker of this House declared the seat of J. Williams Thorne, one of the Representatives from the county of Warren, to be vacant, and directed the clerk of the House to make out the certificate of *per diem* to the expelled member up to and including the day of the adoption of the resolution of expulsion.

On motion, the House adjourned until to-morrow at 10 o'clock.

# SIXTY-FOURTH DAY.

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THURSDAY, February 25th, 1875.

The House was called to order at 10 A. M., Mr. Speaker Robinson in the chair.

Prayer by the Rev. Mr. Rich, of the city.

The Journal of yesterday was read, corrected and approved.

Mr. Norment moved to strike from the Journal all mention of the proceedings of last evening, as they were irregular and out of order, and raised a point of order to that effect.

The Speaker ruled that the point was not well taken.

Messrs. Wheeler, King and Boyd were allowed to record their votes in the negative on the resolution expelling Mr.

Thorne; and Messrs. Candler, Stowe, McRae, Page and Stephenson recorded their votes in the affirmative.

# INTRODUCTION OF PETITIONS, ETC.

Mr. Shackelford presented a petition from citizens of White Oak township, Onslow county, asking the passage of a prohibitory liquor law in the neighborhood of Bellville school house. The petition was referred to the Committee on Propositions and Grievances.

### REPORTS OF STANDING COMMITTEES.

Mr. Reid, from the Committee on Claims, reported favorably on

H. R. No. 180: A resolution in favor of Jas. H. Ennis; and
S. R. No. 523, H. R. No. 179: A resolution in favor of John
G. Bagwell.

Mr. McCubbins, from the Committee on Corporations, reported favorably on

S. B. No. 661, H. B. No. 654: A bill to incorporate the Carolina Plumbago Company; and favorably, with an amendment, on

S. B. No. 612, H. B. No. 645: A bill to incorporate the Robeson County Agricultural Society.

Mr. Gaither, from the Committee on Corporations, reported favorably on the following:

H. B. No. 636: A bill to incorporate Balfour Lodge, Free and Accepted Masons, Ashboro', Randolph county;

H. B. No. 250: A bill to amend an act to incorporate the Fayetteville Building and Loan Association, &c.;

H. B. No. 544: A bill to incorporate the Americus Mining Company, Haywood county;

H. B. No. 638: A bill to incorporate the Plummer Hook and Ladder Company, No. 1;

S. B. No. 377, H. B. No. 626: A bill to incorporate the

Widow's and Orphan's Benefit Society, North Carolina Conference, Methodist Episcopal Church, South;

Mr. Erwin, from the Judiciary Committee, reported favorably on the following bills:

H. B. No. 619: A bill to ascertain the indebtedness of the different counties of the State, and prescribe a statute of limitations;

H. B. No. 605: A bill to amend chapter 100, section 1, laws of 1873-'74;

S. B. No. 490, H. B. No. 585: A bill for the dissolution of the Roanoke Navigation Company; and unfavorably on

H. B. No. 658: A bill to repeal section 27, chapter 33, Battle's Revisal.

Mr. Barnhardt, of Caldwell, from the Committee on Propositions and Grievances, reported unfavorably on

H. B. No. 642: A bill to secure certain privileges in the waters of New river.

Mr. Gudger, from the Committee on Propositions and Grievances, reported on

S. B. No. 447, H. B. No. 528; S. B. No. 495, H. B. No. 616; House Bills Nos. 639, 608, 567, 588, 515, 399, 421, 525, 531, 325, 342, 390, 512, 522, 449, 450, 264; and petition from certain citizens of New Hanover county, in regard to a prohibitory liquor law near Topsail church, all in relation to the sale of liquor in certain localities, recommending the adoption of an accompanying substitute for them all.

The following bills, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the Senate:

An act to amend section 5, chapter 38, laws of 1873-'74; An act for the better regulation of the Newbern Academy;

An act to amend section 4, chapter 164, laws of 1850-'51, entitled an act to incorporate the Caldwell and Asheville Turnpike Company;

An act to incorporate the Deep River, Saxapahaw & Danville Railroad Company; Mr. Shackelford, from the Committee on Engrossed Bills, reported the following as correctly engrossed, and they were ordered to be transmitted to the Senate for concurrence:

H. B. No. 434: A bill to amend chapter 69, private laws of 1872-773;

H. B. No. 457: A bill in relation to the public taxes due by the county of Wayne for the year 1870;

H. B. No. 602: A bill to incorporate Graham High School, in the county of Alamance;

H. B. No. 630: A bill to secure the insurance of public buildings in Lincoln county.

### INTRODUCTION OF RESOLUTIONS.

By Mr. Young: A resolution in favor of the sheriff of Mitchell county. Placed on the calendar.

### INTRODUCTION OF BILLS.

By Mr. Bettis: A bill to amend chapter 105, Battle's Revisal, sections 1, 3, 4, 5 and 8. Referred to the Committee on Finance.

By Mr. Walden: A bill to prohibit the sale of spirituous liquors within two miles of Willow Oak church, Northampton county. Referred to the Committee on Propositions and Grievances.

The following were introduced and referred to the Committee on Corporations:

By Mr. McRae: A bill to incorporate Perseverance Council, No. 74, Friends of Temperance, Fayetteville, North Carolina.

By Mr. Oaksmith: A bill to amend the general corporation law.

By Mr. Jones: A bill to amend section 1, chapter 14, private laws of 1870-'71-'72.

By Mr. Griffin: A bill to incorporate Nashville Lodge, No.

84, Independent Order of Odd Fellows, Nashville, Nash county.

By Mr. Jessup: A bill to incorporate the Grange Bank of Cumberland county.

A message was received from the Senate transmitting engrossed copies of the following bills and resolutions, and asking concurrence therein:

- S. B. No. 514, H. B. No. 669: A bill to prohibit the sale of spirituous liquors within one and a half miles of Poplar Spring church, Franklin county.
- S. R. No. 217: A resolution asking Congress to aid the Western North Carolina Railroad, &c. They were read the first time and disposed of, as follows:
- S. B. No. 514, was referred to the Committee on Propositions and Grievances.
- S. R. No. 217, was referred to the Committee on Internal Improvements.

On motion, S. B. No. 471, H. B. No. 573: A bill to incorporate the Wilmington, Raleigh and Danville Railroad Company, was taken up and re-committed to the Committee on Internal Improvements.

On motion of Mr. Erwin, the calendar was placed at the disposal of the Speaker.

A message was received from the Senate transmitting engrossed copies of the following Senate bills, and asking concurrence therein:

- S. B. No. 542: A bill to incorporate Whitaker's Mills, Nash county;
- S. B. No. 554: A bill to repeal the charter of the town of Beaufort, Carteret county;
- S.B. No. 135: A bill to compromise, commute and settle the State debt;
- H. B. No. 357: A bill to require all municipal, eleemosynary and religious corporations to publish yearly a statement of their finances.

S. B. No. 627: A bill to authorize the commissioners of Burke county to sell lots.

S. B. No. 647: A bill amendatory of the law concerning suits against railroad corporations.

They were read the first time and disposed of as follows:

Senate Bills Nos. 542 and 357 were referred to the Committee on Corporations.

S. B. No. 554 was referred to the Committee on Counties, Cities, &c.

S. B. No. 135 was ordered to be printed.

S. B. No. 627, to the Committee on Cities, Counties, &c.

S. B. No. 647, to the Committee on the Judiciary.

#### CALENDAR.

H. B. No. 46: A bill to compromise, commute and settle the State debt, and for other purposes, was taken up, and, on motion, referred to the Committee on Internal Improvements.

H. B. No. 228: A bill for the protection of birds, was taken up.

The substitute reported by the committee was adopted.

On motion of Mr. Foote, Warren county was added.

On motion of Mr. Mendenhall, Guilford and Edgecombe counties were added.

The bill then passed its several readings.

On motion of Mr. Foote, the vote by which the bill passed its third reading was reconsidered, and on his motion, wild turkeys were included in the bill.

Mr. Staton moved to amend by inserting after the word "net" the word "traps," which was adopted.

On motion of Mr. Smith, of Anson, Anson county was inserted in the bill.

Mr. Lloyd moved to strike out \$10 and insert \$5, but the motion did not prevail.

The bill then passed its third reading, and was ordered to be engrossed.

- H. B. No. 240: A bill to prevent the felling of trees or throwing of obstructions in Big Bear creek, Stanly county, was then taken up and passed its several readings, and was ordered to be engrossed.
- H. B. No. 284: A bill to incorporate the town of Rose Hill, Duplin county, was taken up, passed its several readings, and was ordered to be engrossed.
- H. B. No. 288: A bill to extend and define the corporate limits of the town of Morganton, was taken up, the committee's amendments were adopted, and the bill passed its several readings, and was ordered to be engrossed.
- H. B. 297: A bill to amend an act to incorporate the town of Whitaker's, in the counties of Nash and Edgecombe, was taken up.

The amendments reported by the committee were adopted, and the bill passed its several readings, and was ordered to be engrossed.

- H. B. No. 300: A bill to incorporate Columbus Lodge, No. 27, I. O. O. F., Whiteville, N. C., was taken up and passed its several readings, and was ordered to be engrossed.
- H. B. No. 302: A bill to amend chapter 17, section 57, Battle's Revisal, concerning parties to actions to recover real estate, was taken up, passed its several readings, and was ordered to be engrossed.
- H. B. No. 303: A bill to define what interest in real estate may be sold under execution, was taken up, passed its several readings, and was ordered to be engrossed.
- H. B. No. 312: A bill to punish breaking into an uninhabited house with intent to commit a felony, was taken up, passed its several readings, and was ordered in be engrossed.

The following bills were taken up on their second reading, and, on motion, laid on the table:

- H. B. No. 244: A bill to prevent the felling of timber in the channel of South creek, Beaufort county.
- H. B. No. 273: A bill to prevent the punishment of any person more than once for the same offence.

H. B. No. 278: A bill to prevent the felling of timber in the run of Goshen Swamp.

H. B. No. 283: A bill in relation to the practice of physic in this State.

H. B. No. 285: A bill to make Fishing creek, in Halifax, Nash and Edgecombe counties, a lawful fence.

H. B. No. 287: A bill to amend chapter 133, section 9, subdivision 4, of the laws of 1873-'74.

H. B. No. 294: A bill to prevent the felling of timber in Buffaloe creek, Cleaveland county.

H. B. No. 295: A bill to exempt certain persons from working on the public roads.

H. B. No. 299: A bill to allow judges of elections a compensation for services rendered.

H. B. No. 310: A bill concerning proof of hand-writing.

H. B. No. 311: A bill to provide for the taking of depositions of non-resident witnesses in civil cases before justices of the peace; and

H. B. No. 313: A bill to amend chapter 159, section 9, laws of 1868-'69, as brought forward in Battle's Revisal, chapter 63, section 11.

H. B. No. 550: A bill authorizing the commissioners of Cherokee county to levy a special tax, was taken up and passed its second reading by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Atwater, Barnhardt of Caldwell, Bernheardt of Rowan, Barrett, Bettis, Bizzell, Blythe, Bryan, Bryson, Candler, Davis of Haywood, Davis of Jackson, Dortch, Eatman, Erwin, Etheridge, Finger, Freeman, Gaither, Garrison, Gash, Glenn, Good, Green, Griffin, Gudger, Hanner, Harrison, Haymore, Hicks, Hill, Holt, Hooker, Hurley, Isler, Jessup, Jetton, Johnston, Jones, Kendall, King, Latta, Martin, McCubbins, McIver, McRae, Mebane, Mendenhall, Mitchell, Mizell, Mock, Moffitt, Moseley, Munden, Norment, Oaksmith, Page, Parker, Patton, Pinnix, Presson, Reid, Scott, Shackelford, Sharpe, Smith of Anson, Smith of Hyde, Spears, Staples, Staton, Stephenson,

Stowe, Tate, Thompson of Lincoln, Trivett, Walker of Tyrrell, Ward, Wheeler, Whisnant, Whitley, Wood, Woodhouse and Young—84.

The following gentlemen voted in the negative:

Messrs. Crews and Lloyd-2.

A message was received from the Senate, transmitting engrossed copies of the following Senate bills and amendments, and asking concurrence therein.

S. B. No. 645: A bill supplemental to an act to establish the county of Pender.

Engrossed Senate amendments to S. R. No. 702, H. R. No. 181: A resolution in relation to the Journal of Education.

Engrossed Senate amendments to H. B. No. 197, S. B. No. 478: A bill to give compensation to sheriffs for bringing convicts to the State prison.

S. B. No. 645 was referred to the Committee on Cities, Counties, &c.

The Senate amendments to H. B. No. 197, S. B. No. 478, were concurred in, and the bill ordered to be enrolled for ratification.

H. B. No. 324: A bill to allow the commissioners of Ashe county to levy a special tax, was taken up, passed its third reading by the following vote, and was ordered to be engrossed.

The following gentlemen voted in the affirmative:

Messrs. Atwater, Barnett, Barnhardt of Caldwell, Bernheardt of Rowan, Barrett, Bettis, Bizzell, Blythe, Brewington, Bryan, Bryson, Candler, Davis of Haywood, Dortch, Eatman, Erwin, Finger, Foote, Freeman, Gaither, Garrison, Gash, Good, Green, Griffin, Hanner, Harrison, Haymore, Hicks, Hill, Holt, Hooker, Hurley, Jessup, Jetton, Johnston, Jones, Kendall, King, Latta, Lloyd, Martin, McCubbins, McIver, Mebane, Mendenhall, Mitchell, Mizell, Mock, Moffitt, Moseley, Munden, Norment, Page, Parker, Patton, Pinnix, Presson, Reid, Scott, Shackeltord, Sharpe, Smith of Anson, Smith of Hyde, Spears, Staton, Stephenson, Stowe, Tate, Thompson of

Lincoln, Trivett, Walden, Walker of Tyrrell, Whisnant, Whitley, Wood, Woodhouse and Young-78.

Mr. Crews voted in the negative.

The engrossed Senate amendments to H. R. No. 181, S. R. No. 702: Resolution in reference to the Journal of Education, were next taken up for consideration.

After considerable debate, Mr. Mendenhall moved to concur, and called the previous question on the motion.

The call for the previous question was sustained, and the motion to concur prevailed by the following vote, and the resolution was ordered to be enrolled for ratification.

. The following gentlemen voted in the affirmative:

Messrs. Barnett, Barnhardt of Caldwell, Barrett, Bryan, Davis of Jackson, Finger, Foote, Freeman, Gaither, Gash, Griffin, Hanner, Haymore, Hicks, Holt, Hurley, Jessup, Jetton, Johnston, Kendall, Martin, McCubbins, McRac, Mebane, Mendenhall, Mizell, Mock, Moffitt, Moseley, Norment, Oaksmith, Page, Patton, Pinnix, Presson, Proffitt, Shackelford, Smith of Anson, Smith of Hyde, Spears, Stephenson, Tate, Thompson of Lincoln, Walker of Richmond, Walker of Tyrrell, Wood and Woodhouse—47.

The following gentlemen voted in the negative:

Messrs. Atwater, Bernheardt of Rowan, Bettis, Bizzell, Blythe, Brewington, Bryson, Candler, Crews, Davis of Haywood, Dortch, Eatman, Erwin, Etheridge, Garrison, Glenn, Good, Green, Gudger, Harrison, Hill, Isler, Jones, King, Latta, Lloyd, McIver, Moore, Munden, Parker, Reid, Scott, Sharpe, Staples, Staton, Stowe, Trivett, Walden, Ward, Wheeler, Whisnant, White and Whitley—43.

S. B. No. 675, H. B. 641: A bill to allow Lincolnton township, Lincoln county, to subscribe to the Chester and Lenoir Narrow Gauge Railroad, was taken up, and passed its second reading by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Atwater, Barnett, Barnhardt of Caldwell, Barrett, Bettis, Bizzell, Blythe, Brewington, Bryan, Bryson, Candler,

Cary, Davis of Haywood, Davis of Jackson, Dortch, Eatman, Erwin, Etheridge, Finger, Foote, Freeman, Gaither, Garrison, Gash, Glenn, Good, Green, Griffin, Gudger, Hanner, Harrison, Haymore, Hill, Holt, Hurley, Isler, Jessup, Jetton, Johnston, Jones, Kendall, King, Latta, Martin, McCubbins, McIver, McRae, Mebane, Mendenhall, Mitchell, Mizell, Mock, Moffitt, Moseley, Munden, Norment, Oaksmith, Page, Parrott, Patton, Presson, Proffitt, Reid, Scott, Shackelford, Sharpe, Smith of Anson, Spears, Staples, Staton, Stowe, Tate, Thompson of Lincoln, Walden, Walker of Richmond, Walker of Tyrrell, Ward, Whisnant, White, Whitley, Woodhouse and Young — 82.

The following gentlemen voted in the negative:

Messrs. Bernheardt of Rowan, Crews and Lloyd-3.

S. R. No. 547, H. R. No. 150: A resolution in relation to heating the capitol, was taken up, passed its several readings, and was ordered to be enrolled for ratification.

S. B. No. 580, H. B. No. 644: A bill to provide for the support of the North Carolina Institution for the Deaf, Dumb and Blind for the years 1875-'76, was taken up.

Mr. Norment moved to strike out "\$3000" and insert "\$5000," which was rejected.

The bill then passed its several readings, and was ordered to be enrolled for ratification.

Mr. Barnett moved to reconsider the vote by which the House concurred in the Senate amendments to the resolution in reference to the Journal of Education.

Mr. Foote moved to lay that motion on the table.

On the call of Mr. Gudger, the yeas and nays were had, and the motion to table prevailed by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Barnhardt of Caldwell, Barrett, Bryan, Davis of Haywood, Davis of Jackson, Etheridge, Finger, Foote, Freeman, Gaither, Gash, Griffin, Hanner, Haymore, Hicks, Hill, Holt, Hurley, Jessup, Jetton, Johnston, Kendall, Martin, McCubbins, McRae, Mebane, Mendenhall, Mitchell, Mizell, Mock,

Moffitt, Moseley, Oaksmith, Page, Patton, Presson, Proffitt, Smith of Anson, Smith of Hyde, Spears, Tate, Thompson of Lincoln, Walker of Richmond, Walker of Tyrrell and Woodhouse—45.

The following gentlemen voted in the negative:

Messrs. Atwater, Barnett, Bernhardt of Rowan, Bettis, Biz zell, Blythe, Brewington, Bryson, Candler, Crews, Dortch, Eatman, Erwin, Garrison, Glenn, Good, Green, G dger, Harrison, Isler, Jones, King, Latta, Lloyd, McIver, Moore, Munden, Norment, Parker, Pinnix, Reid, Scott, Sharpe, Staples, Staton, Stowe, Trivett, Walden, Ward, Wheeler, Whisnant, White, Whitley and Wood—44.

Leave of absence was granted to Mr. Gudger until Tuesday; to Mr. Norment until the same day; to Mr. Walden for the same time; to Mr. Trivett for one week, on account of sickness; and to Mr. Scott until Tuesday.

On motion of Mr. Gudger, the House adjourned until 10 A. M. to-morrow.

# SIXTY-FIFTH DAY.

FRIDAY, February 26th, 1875.

At 10 A. M. the House was called to order, Mr. Speaker Robinson in the chair.

On motion, the reading of the Journal of yesterday was dispensed with.

### REPORTS OF STANDING COMMITTEES.

Mr. Pinnix, from the Judiciary Committee, reported favorably, with amendment, on

H. B. No. 648: A bill to require the officers of the various

counties to make reports of all moneys which may come into their hands.

Mr. Erwin, from the Committee on the Judiciary, reported favorably on the following bills:

H. B. No. 620: A bill to authorize the commissioners of Watauga county to establish burnt records, &c.;

S. B. No. 358, H. B. No. 537: A bill to amend section 53, chapter 17, sub-chapter 4, Battle's Revisal;

S. B. No. 647, H. B. No. 660: A bill amendatory of the law concerning suits against railroad corporations; and unfavorably on

H. R. No. 159: A resolution to appoint commissioners to locate the boundary line between North Carolina and Tennes-

Mr. Staton, from the Committee on Counties, Cities, &c., reported favorably on

S. B. No. 401, H. B. No. 632: A bill to authorize the sale of a certain street and alley in the town of Shelby; and unfavorably on

H. B. No. 480: A bill to amend the charter of the city of Charlotte.

Mr. Reid, from the Committee on Claims, reported unfavorably on

H. B. No. 298: A bill for the benefit of Jerry Waters and W. E. Moye.

Mr. Mebane, from the Judiciary Committee, reported favorably on

S. B. No. 194, H. B. No. 441: A bill to appoint public guardians;

Mr. Patton, from the Committee on Internal Improvements, reported favorably on

H. B. No. 600: A bill to amend the act to incorporate the Georgia and North Carolina Railroad Company; and on

S. B. No. 90, H. B. No. 562: A bill to amend an act to charter the Carolina Narrow Gauge Railroad Company, &c.;

Mr. Tate, from the Committee on Finance, reported favorably on

S. B. No. 539, H. B. No. 651: A bill in relation to taxation in Burke and McDowell counties; and unfavorably on

H. B. No. 668: A bill to amend chapter 105, Battle's Revisal;

Mr. Shackelford, from the Committee on Engrossed Bills, reported the following as correctly engrossed, and they were ordered to be transmitted to the Senate for concurrence:

H. B. No. 312: A bill to punish breaking into uninhabited houses with intent to commit a felony;

H. B. No. 297: A bill to amend an act to incorporate the town of Whitaker's, in the counties of Edgecombe and Nash;

H. B. No. 674: A bill for the protection of birds in the counties of Davidson, Randolph, Rowan, Anson, Warren, Guilford and Edgecombe;

H. B. No. 303: A bill to define what interest in real estate may be sold under execution;

H. B. No. 302: A bill to amend chapter 17, section 57, Battle's Revisal, concerning parties to actions to recover real estate;

H. B. No. 300: A bill to incorporate Columbus Lodge, No. 27, Independent Order of Odd Fellows;

H. R. No. 141: Resolution in favor of Dismal Swamp Canal.

Engrossed House amendments to S. B. No. 367, H. B. No. 397: A bill to be entitled an act concerning fences in Iredell and other counties.

H. B. No. 280: A bill to incorporate the town of Rose Hill, in Duplin county.

H. B. No. 324: A bill to allow the commissioners of Ashe county to levy a special tax.

H. B. No. 288: A bill to extend and define the corporate limits of Morganton.

H. B. No. 240: A bill to prevent the felling of trees, &c., in Big Bear creek, in Stanly county.

The following bills and resolutions reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the Senate:

An act to incorporate the town of Shelby, in Cleaveland county;

An act to allow a mortgage deposit in courts of the State; An act to create another township in Lenoir county;

An act to incorporate the board of directors of Hickory High School, in the county of Catawba;

An act to incorporate the Direct Trade Union, Patrons of Husbandry;

An act to lay off and establish a free turnpike in Burke and Mitchell counties, and to improve the road from Morganton to William Morris', on the Blue Ridge;

An act to provide for the support of the North Carolina Institutions for the Deaf and Dumb and the Blind for the years 1875–76.

### INTRODUCTION OF BILLS.

The following bills were introduced and referred to the Judiciary Committee:

By Mr. Brewington: A bill to amend section 9, chapter 112, Battle's Revisal.

By Mr. Reid: A bill to amend chapter 70, Battle's Revisal.

By Mr. Davis, of Haywood: A bill to amend section 1, chapter 9, Battle's Revisal.

By Mr. Walker, of Richmond: A bill to amend section 343, chapter 17, Battle's Revisal.

The following were introduced and referred to the Committee on Propositions and Grievances:

By Mr. Bizzell: A bill to provide for the removal of the county seat of Johnston county.

By Mr. Shackelford: A bill to regulate the taking of fish in the waters of New river, Onslow county.

By Mr. Thompson, of Beaufort: A bill (with memorial) to

prevent the hauling of seines and drag-nets in the mouth of Goose and Beard's creeks, Pamlico county, in certain seasons.

By Mr. McRae: A bill to authorize the mayor and commissioners of the town of Fayetteville to re-organize the fire department of said town. Referred to the Committee on Counties, Cities, &c.

By Mr. McRae: A bill to amend the charter of the Beaver Creek Manufacturing Company. Referred to the Committee on Corporations.

Mr. Norment offered the following protest against the expulsion of J. Williams Thorne, late member from Warren county.

By the direction of the Speaker the protest was modified somewhat in its language, and then ordered to be spread on the Journal.

### PROTEST.

We, the undersigned members, do most emphatically enter our protest against the action of the House in expelling J. Williams Thorne, the member from Warren county, from his seat on this floor, believing that this action of the House is susceptable of being construed as indicative of a spirit of religious bigotry and persecution.

We believe that there is no evidence that J. Williams Thorne ever denied the being of Almighty God, but on the contrary, from the testimony of three respectable and disinterested witnesses, and his own writing before and since the publication of of document "A," abundantly show his belief in the Almighty God.

We believe that St. Paul was as honest in his belief when "breathing out threatenings and slaughter against the christians," as he was when he proclaimed from Mars' Hill that God hath made of one blood all nations of men for to dwell on all the face of the earth. Further, that J. Williams Thorne, is a member in good standing in a religious society called the

"Progressive Friends," that his moral character is irreproachable and unimpeachable, and while we most emphatically condemn his criticisms of certain portions of the Scriptures, yet cannot see how they are subversive of the principles of constitutional liberty or sound morality, and we believe his expulsion by this House, for causes alleged in the resolution, will do infinitely more harm than any publication of J. Williams Thorne could possibly make.

For the foregoing reasons and considerations, we voted against his expulsion, and ask that they be spread upon the Journal of the House in explanation of our vote.

(Signed) R. M. NORMENT, Robeson, W. J. MUNDEN, Pasquotank, W. H. MOORE, New Hanover, JOHN A. WHITE, Halifax, W. H. CREWS, Granville, JOHN A. JONES, Halifax, JOHN NEWELL, Bladen. HENRY BREWINGTON, New Hanover, WILSON CARY, Caswell, JOHN R. GOOD, Craven, ALFRED LLOYD, New Hanover, RICHARD ELLIOTT, Chowan.

On motion, the rules were suspended, and

H. B. No. 623: A bill to amend chapter 50, private laws of 1871-'72, entitled an act to incorporate the town of Boone, Watauga county, was taken up, passed its several readings, and was ordered to be transmitted to the Senate without engrossment.

On motion, the calendar was placed at the disposal of the Speaker for the remainder of the session.

#### CALENDAR.

H. B. No. 499: A bill to prohibit the sale of intoxicating drinks within one mile of the court house in the town of Dal-

las, Gaston county, was taken up, passed its several readings, and was ordered to be engrossed.

H. B. No. 439: A bill to incorporate the Fayetteville and Goldsboro' Railway Company, was taken up.

The amendments reported by the committee were accepted.

Mr. Bryan offered the following amendment, which was accepted:

"That if the North Carolina and Atlantic Railroad Companies shall decline to endorse the bonds of the Fayetteville and Goldsboro' Railway Company, within six months after the said railway company shall have graded their road be, prepared the same for the iron, (exclusive of the principal bridges necessary,) or if after the said endorsement of the bonds aforesaid, the company shall be enabled to negotiate the same within twelve months thereafter, then it shall be lawful, and the said Fayetteville and Goldsboro' Railway Company shall have power and authority to connect their road with any other railroad company upon such terms and conditions as may be agreed upon by the respective stockholders of the same, and the company so connected with shall have all the powers, authority and privileges intended to be conferred by this act on the North Carolina and Atlantic Railroad Companies. That the said Fayetteville and Goldsboro' Railway Company shall have authority to construct a branch of their road to the town of Clinton, or to any other point, at the pleasure of the stock holders."

Mr. Hanner moved to amend by inserting the name of E. A. Bizzell as one of the corporators.

The amendment was accepted, and the bill passed its several readings, and was ordered to be engrossed.

Mr. McRae moved to reconsider the vote by which the bill passed, and to lay that motion on the table. The motion to table prevailed.

S. B. No. 675, H. B. No. 641: A bill to allow Lincolnton

township, Lincoln county, to subscribe to the capital stock of the Chester and Lenoir Narrow Gauge Railroad, was taken up and passed its third reading by the following vote, and was ordered to be enrolled:

The following gentlemen voted in the affirmative:

Messrs. Atwater, Barnhardt of Caldwell, Barrett, Bettis, Bizzell, Blythe, Bryan, Bryson, Candler, Cary, Crews, Davis of Haywood, Davis of Jackson, Dortch, Eatman, Erwin, Etheridge, Finger, Freeman, Garrison, Gash, Good, Green, Griffin, Hanner, Haymore, Hicks, Holt, Hooker, Hurley, Isler, Jessup, Jetton, Johnston, Jones, Kendall, King, Latta, Lloyd, Martin, McCalop, McCubbins, McIver, McRae, Mebane, Mendenhall, Mitchell, Mizell, Mock, Moffitt, Moseley, Newell, Norment, Page, Parker, Parrott, Patton, Pinnix, Presson, Proffitt, Reid Shackelford, Sharpe, Smith of Anson, Smith of Hyde, Spears, Staton, Stowe, Tate, Thompson of Lincoln, Walden, Walker of Tyrrell, Ward, Wheeler, Whisnant, White, Wood, Woodhouse and Young—79.

Negative none.

H. B. No. 544: A bill to incorporate the Americus Mining Company, Haywood county, was taken up, passed its several readings, and was ordered to be engrossed.

H. B. No. 511: A bill to authorize the commissioners of Haywood county to levy a special tax, was taken up, passed its third reading by the following vote, and was ordered to be engrossed:

The following gentlemen voted in the affirmative:

Messrs. Atwater, Barnhardt of Caldwell, Bernheardt of Rowan, Barrett, Bettis, Bizzell, Blythe, Brewington, Bryan, Bryson, Candler, Cary, Davis of Haywood, Davis of Jackson, Dortch, Eatman, Erwin, Etheridge, Finger, Freeman, Garrison, Gash, Good, Green, Griffin, Hanner, Haymore, Hicks Holt, Hooker, Hurley, Isler, Jessup, Jetton, Johnston, Jones, Kendall, King, Latta, Lloyd, Martin, McCalop, McCubbins, McIver, McRae, Mebane, Mendenhall, Mock, Moffitt, Moseley Munden, Newell, Norment, Page, Parker, Parrott, Patton

Pinnix, Presson, Proffitt, Reid, Sharpe, Smith of Anson, Smith of Hyde, Staton, Stowe, Tate, Thompson of Beaufort, Thompson of Lincoln, Trivett, Walker of Richmond, Walker of Tyrrell, Ward, Whisnant, White, Whitley, Wood, Woodhouse and Young—79.

Mr. Crews voted in the negative.

S. B. No. 402, H. B. No. 624: A bill to authorize the commissioners of Craven county to levy a special tax, was taken up and passed its second reading by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Atwater, Barnhardt of Caldwell, Bernheardt of Rowan, Bettis, Bizzell, Blythe, Brewington, Bryan, Bryson, Candler, Cary, Davis of Haywood, Davis of Jackson, Dortch, Eatman, Erwin, Etheridge, Finger, Freeman, Gaither, Garrison, Gash, Good, Green, Griffin, Hanner, Haymore, Hicks, Hill, Holt, Hooker, Hurley, Isler, Jessup, Jetton, Jones, Kendall, King, Latta, Lloyd, McCalop, McCubbins, McIver, McRae, Mebane, Mendenhall, Mizell, Mock, Moffitt, Moseley, Munden, Newell, Norment, Page, Parker, Parrott, Patton, Pinnix, Presson, Proffitt, Reid, Shackelford, Sharpe, Smith of Anson, Smith of Hyde, Staton, Stowe, Tate, Thompson of Beaufort, Thompson of Lincoln, Trivett, Walker of Richmond, Walker of Tyrrell, Ward, Whisnant, White, Whitley, Wood, Woodhouse and Young—80.

The following gentlemen voted in the negative:

Messrs. Barrett, Crews and Johnston-3.

H. B. No. 463: A bill to authorize the commissioners of Rockingham county to levy a special tax, was taken up, passed itsthird reading by the following vote, and was ordered to be engrossed:

The following gentleman voted in the affirmative:

Messrs. Atwater, Barnhardt of Caldwell, Bernheardt of Rowan, Barrett, Bettis, Bizzell, Blythe, Brewington, Bryan, Bryson, Candler, Cary, Davis of Haywood, Davis of Jackson, Dortch, Eatman, Erwin, Etheridge, Finger, Freeman, Gaither, Garrison, Gash, Good, Green, Griffin, Hanner, Haymore,

Hicks, Holt, Hooker, Hurley, Isler, Jessup, Jetton, Johnston, Jones, King, Latta, Lloyd, Martin, McCalop, McCubbins, McIver, McRae, Mebane, Mendenhall, Mitchell, Mizell, Mock, Moffitt, Moseley, Munden, Newell, Norment, Page, Parker, Parrott, Patton, Pinnix, Presson, Reid, Shackelford, Sharpe, Smith of Anson, Smith of Hyde, Spears, Stowe, Tate, Thompson of Beaufort, Thompson of Lincoln, Trivett, Walker of Richmond, Walker of Tyrrell, Whisnant, White, Whitley, Wood, Woodhouse and Young—80.

The following gentlemen voted in the negative:

Messrs. Crews and Moore-2.

Leave of absence was granted to Mr. White for one week, on account of sickness; to Mr. Carter until Saturday next; to Mr. Thompson, of Lincoln, indefinitely; to Mr. Brewington until Tuesday, on account of private business.

Mr. Harrison was announced as being detained from his seat on account of sickness.

H. B. No. 550: A bill authorizing the commissioners of Cherokee county, to levy a special tax, was taken up, passed its third reading by the following vote, and was ordered to be engrossed.

The following gentlemen voted in the affirmative:

Messrs. Atwater, Barnhardt of Caldwell, Barrett, Bettis, Bizzell, Blythe, Brewington, Bryan, Bryson, Candler, Cary, Davis of Haywood, Davis of Jackson, Dortch, Eatman, Elliott, Erwin, Etheridge, Finger, Freeman, Gaither, Garrison, Gash, Good, Green, Griffin, Hanner, Haymore, Hicks, Holt, Hooker, Hurley, Isler, Jessup, Jetton, Johnston, Jones, Kendall, King, Latta, Lloyd, Martin, McCalop, McCubbins, McIver, McRae, Mebane, Mendenhall, Mitchell, Mizell, Mock, Moffitt, Moseley, Munden, Newell, Page, Parker, Parrott, Patton, Pinnix, Presson, Proffitt, Shackelford, Sharpe, Smith of Anson, Smith of Hyde, Spears, Staples, Staton, Stephenson, Stowe, Tate, Thompson of Beaufort, Thompson of Lincoln, Trivett, Walker of Richmond, Walker of Tyrrell, Ward,

Whisnant, White, Whitley, Wood, Woodhouse and Young-84.
Negative none.

H. B. No. 548: A bill authorizing the commissioners of Pitt county to levy a special tax, was taken up, passed its third reading by the following vote, and was ordered to be engrossed.

The following gentlemen voted in the affirmative:

Messrs. Atwater, Barnhardt of Caldwell, Bernheardt of Rowan, Barrett, Bettis, Bizzell, Blythe, Brewington, Bryan, Bryson, Cary, Davis of Haywood, Davis of Jackson, Dortch, Eatman, Elliott, Erwin, Etheridge, Finger, Freeman, Gaither, Garrison, Gash, Good, Green, Griffin, Hanner, Haymore, Hicks, Holt, Hooker, Hurley, Isler, Jessup, Jetton, Johnston, Jones, Kendall, King, Latta, Lloyd, Martin, McCalop, McCubbins, McIver, McRae, Mebane, Mendenhall, Mitchell, Mizell, Mock, Moffitt, Moseley, Munden, Newell, Norment, Page, Parker, Parrott, Patton, Pinnix, Presson, Proffitt, Reid, Shackelford, Sharpe, Smith of Anson, Smith of Hyde, Spears, Staton, Stephenson, Stowe, Tate, Thompson of Beaufort, Thompson of Lincoln, Trivett, Walker of Richmond, Walker of Tyrrell, Ward, Whisnant, White, Whitley, Wood, Woodhouse and Young—85.

The following gentlemen voted in the negative:

Messrs. Crews and Moore-2.

H. B. No. 565: A bill to provide for the payment of costs and the indemnity of officers in certain cases, was taken up, passed its several readings and was ordered to be engrossed.

H. B. No. 545: A bill to amend the charter of the town of LaGrange, Lenoir county, was taken up, passed its several readings and was ordered to be engrossed.

A message was received from the Senate, proposing to go into the election of 17 trustees of the University at 12 M. on Saturday.

The House concurred in the proposition, and a message was sent to the Senate to that effect.

A second message was received from the Senate transmitting

engrossed copies of the following, and asking concurrence therein.

- S. B. No. 701: A bill defining the jurisdiction of the mayor of Charlotte.
  - S. B. No. 7: A bill to require the registration of deeds.
- S. B. No. 378: A bill to provide for the filling vacancies in boards of commissioners.

They were read the first time and disposed of as follows:

Senate Bills Nos. 378 and 7, were referred to the Judiciary Committee; and

S. B. No. 701, was placed on the calendar.

The calendar was resumed.

- H. B. No. 586: A bill to amend section 19, chapter 32, Battle's Revisal, in relation to crimes and punishments, was taken up, passed its several readings, and was ordered to be engrossed.
- S. B. No. 390, H. B. No. 518: A bill incorporating the Southern Underwriters' Association, was taken up, passed its several readings, and was ordered to be enrolled for ratification.
- H. B. No. 484: A bill to donate a lot in the city of Raleigh for the purpose of erecting a Primitive Baptist church, was taken up and passed its second reading.

Under a suspension of the rules, the bill came up on its third reading.

Mr. Candler moved to amend by giving the same amount of land to any other denomination that may want to build churches.

Mr. Trivett moved to lay the bill on the table, which motion was rejected.

Mr. Candler's amendment was put to a vote and rejected.

Mr. Mendenhall offered the following amendment, which was accepted:

Provided, That in case the State should desire the ground, it shall resume its right by paying a reasonable amount for the church property, or by allowing the church to remove the same

The question recurred on the bill on its third reading.

On the call of Mr. Sharpe, the yeas and nays were had, and the bill passed its third reading by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Atwater, Bizzell, Blythe, Bryan, Bryson, Crews, Dortch, Erwin, Etheridge, Finger, Freeman, Gaither, Garrison, Gash, Good, Green, Haymore, Hicks, Holt, Isler, Jessup, Jetton, Johnston, King, Latta, Martin, McCalop, McCubbins, McRae, Mebane, Mendenhall, Mitchell, Mizell, Moseley, Munden, Newell, Norment, Page, Parker, Patton, Presson, Proffitt, Shackelford, Smith of Anson, Smith of Hyde, Spears, Staples, Stephenson, Tate, Thompson of Lincoln, Walker of Richmond, Walker of Tyrrell, Whisnant, Whitley, Wood, Woodhouse and Young—57.

The following gentlemen voted in the negative:

Messrs. Bernheardt of Rowan, Bettis, Brewington, Candler, Cary, Davis of Haywood, Davis of Jackson, Eatman, Griffin, Hanner, Hooker, Jones, Kendall, Lloyd, McIver, Mock, Moffitt, Pinnix, Reid, Sharpe, Staton, Stowe, Thompson of Beaufort, Trivett and Walden—25.

On motion of Mr. Staples, the vote by which the bill passed its ihird reading was reconsidered.

Mr. Staples then offered the following amendment:

Provided, That upon notice being served upon the authorities of the church that the State desires to resume possession of said property, the said church authorities shall, within a reasonable time, remove said church and other buildings erected thereon, and in case they are not so removed within a reasonable time, they shall be forfeited to the State.

On motion of Mr. Mendenhall, the whole matter was referred to the Committee on Finance.

Mr. McCubbins moved that when the House adjourn, it adjourn to meet again at 7:30 this evening. The motion did not prevail.

H. B. No. 465: A bill to authorize the commissioners of Jackson county to have a toll gate erected on the Tuckasegee and Keowee turnpike road, was taken up and passed its second reading.

Under a suspension of the rules, the bill came up on its

third reading.

Mr. Lloyd moved to amend by striking out "\$1" and inseating "50 cents." The amendment was rejected.

The bill then passed its third reading and was ordered to be

engrossed.

H. B. No. 648: A bill to require the officers of the various counties of the State to make a report of all the moneys coming into their hands, was taken up.

The amendments reported by the committee were adopted, and the bill passed its several readings, and was ordered to be engrossed.

P. B. No. 701, H. B. No. 686: A bill defining the jurisdiction of the mayor of the city of Charlotte, was taken up and passed its several readings, and was ordered to be enrolled for ratification.

A message was received from the Senate transmitting H. B. No. 691: A bill to compel the Carolina Central Railway to complete its road to Shelby, N. C.

It was read the first time, and referred to the Committee on Internal Improvements.

On motion, the House adjourned until to-morrow at 10 o'clock.

# SIXTY-SIXTH DAY.

SATURDAY, February 27th, 1875.

The House was called to order at 10 A. M., Mr. Speaker Robinson in the chair.

The Journal of yesterday was read and approved.

### INTRODUCTION OF MEMORIALS, &C.

By Mr. King: A memorial from certain citizens of Cherokee county in regard to vacant lands in that county. The memorial was referred to the Committee on Propositions and Grievances.

By Mr. Munden: A petition from citizens of Elizabeth City, asking for the levy of a special tax. Placed on the calendar.

By Mr. Hanner: A petition from citizens of Chatham, asking the passage of a law to prohibit the sale of spirituous liquor within two miles of New Elm church, in said county. Placed on the calendar.

### REPORTS OF STANDING COMMITTEES.

Mr. Walker, of Richmond, from the Committee on Salaries and Fees, reported favorably, with amendment, on

H. B. No. 346: A bill to require the Secretary of State to perform certain duties.

Mr. Eatman, from the Committee on Salaries and Fees, reported unfavorably on

H. B. No. 504: A bill to pay Clerks of the Superior Courts per diem during a regular or special term.

Mr. Pinnix, from the Judiciary Committee, reported favorably on

H. B. No. 675: A bill to amend chapter 70, Battle's Revisal.

Mr. McRae, from the Judiciary Committee, reported favorably on

S. B. No. 7, H. B. No. 684: A bill to require the registration of deeds;

S. B. No. 628, H. B. No. 612: A bill to amend section 8, chapter 44, Battle's Revisal;

H. B. No. 676: A bill to amend section 1, chapter 9, Battle's Revisal;

H. B. No. 681: A bill to amend Battle's Revisal, section 9, chapter 112; and

S. B. No. 405, H. B. No. 631, asking to be discharged from consideration of the same.

Mr. Barnhardt, of Caldwell, from the Committee on Propositions and Grievances, reported favorably on

- S. B. No. 457, H. B. No. 655: A bill to prevent the deposit of fish offal along the shores of Bogue Banks, White Oak township, Carteret county;
- H. B. No. 679: A bill to regulate the taking of fish in the waters of New river, Onslow county;
- H. B. No. 649: A bill for the relief of Brice Harralson, of Caswell county;
- H. B. No. 680: A bill to provide for the removal of the county seat of Johnston county;
- S. B. No. 514, H. B. No. 669, (with amendment,): A bill to prohibit the sale of spirituous liquors within one and a half miles of Poplar Spring church, Franklin county;
- H. B. No. 678: A bill to prevent the hauling of seines and drag-nets in the mouth of Goose and Beard's creeks, Pamlico county, in certain seasons, with amendment;
- H. B. No. 607: A bill concerning the sticking of shad-net stakes in certain waters of this State, with amendment; and unfavorably on
  - H. B. No. 380: A bill for the protection of fisheries.
- Mr. Gaither, from the Committee on Corporations, reported favorably on
- S. B. No. 357, H. B. No. 667: A bill to require all municipal, eleemosynary and religious societies to publish a yearly statement of their finances;
- H. B. No. 637: A bill to amend the charter of the Bank of Mecklenburg;
- S. B. No. 570, H. B. No. 652: A bill to incorporate Orion Lodge, No. 67, Independent Order of Odd Fellows, Wilmington, North Carolina;
- H. B. No. 682: A bill to amend the charter of the Beaver Creek Manufacturing Company.

- Mr. Staton, from the Committee on Counties, Cities &c., reported favorably on
- S. B. No. 633, H. B. No. 656: A bill to incorporate the town of Youngsville, Franklin county;
- S. B. No. 559, H. B. No. 657: A bill to attach so much of Craven county, as lies north and east of Adams' creek, to Carteret county;
- S. B. No. 627, H. B. No. 671: A bill to authorize the commissioners of Burke county to sell lots;
- H. B. No. 683: A bill to authorize the mayor and commissioners of Fayetteville to re-organize the fire department of said town.
- Mr. Shackelford, from the Committee on Engrossed Bills, reported the following as correctly engrossed, and they were ordered to be transmitted to the Senate for concurrence:
- H. B. No. 550: A bill to authorize the county commissioners of Cherokee county to levy a special tax;
- H. B. No. 463: A bill to authorize the county commissioners of Rockingham county to levy a special tax;
- H. B. No. 439: A bill to incorporate the Fayetteville and Goldsboro' Railway Company;
- H. B. No. 548: A bill to authorize the county commission ers of Pitt county to levy a special tax;
- H. B. No. 565: A bill to provide for the payment of costs and other indemnities of officers in certain cases;
- H. B. No. 586: A bill to amend section 19, chapter 32, Battle's Revisal, in relation to crimes and punishments:
- H. B. No. 499: A bill to prohibit the sale of intoxicating drinks within one mile of the court house of Dallas, Gaston county;
- H. B. No. 544: A bill to incorporate the Americus Mining Company, in the county of Haywood;
- H. B. No. 648: A bill to require the officers of the various counties to make reports of all moneys which may come into their hands;

H. B. No. 511: A bill to authorize the board of commissioners of Haywood county to levy a special tax.

The following bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the Senate:

Resolution in relation to the Journal of Education;

An act to incorporate the Newbern Golden Link Lodge, No. 1632, Grand United Order of Odd Fellows;

An act in relation to writs of certiorari, recordari and supersedeas;

Resolution in relation to heating the capitol;

An act to amend Revised Code, chapter 67, and the public laws of 1862-'63, chapter 41, section 1, as brought forward in Battle's Revisal, chapter 38, sections 1 and 2, entitled Dogs;

An act to give compensation to sheriffs for bringing convicts to the State prison;

An act for the relief of the sureties to the bond executed by T. F. Lee, late sheriff of Wake county, to secure the collection of the county taxes of said county for the year 1873;

An act to prevent the felling of timber in South Fork river, and in Rock and Laurel creeks, in Burke county.

### INTRODUCTION OF BILLS.

By Mr. Pinnix: A bill to change the time of holding courts in the Eighth Judicial District. Referred to the Judiciary Committee.

By Mr. Tate: A bill to prevent the sale of the State's interest in the North Carolina Railroad Company, and to secure to the State her proportion of the dividends declared on said stock, and to protect all of her interests therein. Referred to the Committee on Internal Improvements.

By Mr. Munden: A bill to amend the charter of Elizabeth City, Pasquotank county. Referred to the Committee on Corporations.

By Mr. Mendenhall: A bill in relation to the land scrip

fund for establishment of colleges for the benefit of agriculture and the mechanic arts. Referred to the Committee on Finance.

By Mr. Smith, of Anson: A bill to incorporate the vestry of Calvary church at Wadesboro', North Carolina. Placed on the calendar.

By Mr. Crews: A bill concerning apprentices. Referred to the Committee on Propositions and Grievances.

By Mr. Munden: A bill requiring insurance companies to make deposits. Referred to the Committee on Insurance.

By Mr. Munden: A bill to authorize the commissioners and mayor of Elizabeth City to levy a special tax. Placed on the calendar.

By Mr. McRae: A bill to amend chapter 65, Battle's Revisal, entitled justices and their jurisdiction. Referred to the Judiciary Committee.

By Mr. King: A bill empowering the commissioners of Cherokee to secure the surveying of entered lands, which have not heretofore been surveyed in said county. Referred to the Committee on Propositions and Grievances.

A message was received from the Senate transmitting engrossed copies of the following, and asking concurrence therein:

S. B. No. 32: A bill to punish accessories before the fact in the crimes of murder, arson, burglary and rape;

S. B. No. 339: A bill to incorporate Albemarle Lodge, No. 74, Independent Order of Odd Fellows;

S. B. No. 370: A bill to prohibit the sale of spirituous liquors within three miles of Pelham church;

S. B. No. 435: A bill to declare Neuse river a lawful fence from the falls of Neuse to Ezekiel's rock, Wake county;

S. B. No. 667: A bill to protect the fishing interest in Neuse river and Contentnea creek;

S. B. No. 375: A bill to prohibit the sale of intoxicating liquors within two miles of Cedar Grove and Eno church, Orange county;

S. R. No. 715: A resolution in regard to the Lovejoy Academy;

They were read the first time, and disposed of, as follows: Senate bills Nos. 370, 435, 667 and 375, were referred to the Committee on Propositions and Grievances;

S. B. No. 339, to the Committee on Corporations; and

S. B. No. 32, to the Judiciary Committee.

On motion of Mr. Tate, H. B. No. 541: A bill in relation to the Western North Carolina Railroad, was taken up, ordered to be printed and made special order for Monday next.

On motion of Mr. Mebane, S. B. No. 659, H. B. No. 135: A bill to compromise, commute and settle the State debt, was taken up and made special order for Wednesday next at 12 M.

A message was received from the Senate informing the House that the Senate refused to concur in the House amendments, in the nature of a substitute, to S. B. No. 450, H. B. No. 445: A bill to prevent obstruction to the passage of fish up Albemarle sound.

On motion of Mr. Walker, of Tyrrell, a message was sent to the Senate informing that body that the House insisted on its amendments, and asked a committee of conference.

On motion of Mr. Thompson, of Beaufort,

H. B. No. 244: A bill to prevent the felling of timber in the channel of South creek, Beaufort county, was taken from the table and placed on the calendar.

Mr. Whitley was granted a leave of absence until Wednesday.

The House refused to concur in the Senate amendments to H. B. No. 174, S. B. No. 227: A bill to change the time of holding courts in the Eleventh Judicial District, and a message was sent to the Senate informing that body of the action of the House, and asking a committee of conference.

H. B. No. 481: A bill for the benefit of the farmers in the Murphy Swamp and Carver's Neck, Rockfish township, Cumberland county, was taken up.

Mr. McRae offered the following amendment as an additional section, which was accepted:

SEC. —. Provided further, That the provisions of this act shall be submitted to a vote of the persons owning land in said district, and that the county commissioners shall, at their first meeting in April, appoint two land owners in said district to hold an election at some central point, to be by them determined, on the first day of May, 1875, the county commissioners to give twenty days' notice of said election at two or more places in said district: Provided further, That females owning land in said district shall be represented in said election by lawful attorneys.

The bill then passed its several readings and was ordered to be engrossed.

H. B. No. 577: A bill to authorize the mayor and commissioners of the town of Fayetteville to issue bonds, was taken up, and passed its second reading by the following vote:

The following gentlemen voted in the affirmative;

Messrs. Atwater, Barnhardt of Caldwell, Bernheardt of Rowan, Barrett, Bettis, Bizzell, Blythe, Boyd, Bryson, Candler, Cary, Crews, Davis of Jackson, Dortch, Eatman, Elliott, Erwin, Etheridge, Freeman, Gaither, Garrison, Gash, Glenn, Good, Green, Griffin, Hanner, Haymore, Holt, Hooker, Hurley, Isler, Jessup, Jetton, Johnston, Jones, Kendall, King, Latta, Lloyd, Martin, McCubbins, McIver, McRae, Mebane, Mendenhall, Mizell, Mock, Moffitt, Moseley, Oaksmith, Page, Parrott, Patton, Pinnix, Presson, Proffitt, Reid, Shackelford, Sharpe, Smith of Anson, Smith of Hyde, Spears, Staples, Staton, Stephenson, Stowe, Tate, Thompson of Beaufort, Walker of Richmond, Walker of Tyrrell, Ward, Wheeler, Whisnant, Wood, Woodhouse and Young—77.

Negative none.

H. B. No. 610: The bill concerning the banking institu-

tions of the State, was taken up, passed its several readings, and was ordered to be engrossed.

H. R. No. 176: Resolution of instruction to the Board of Internal Improvements, on frauds and corruptions, was taken up, adopted, and ordered to be engrossed.

H. B. No. 365: A bill for the relief of the sheriffs of Iredell, Alexander and Surry counties, was taken up. The committee amendments were adopted, and the bill passed its several readings, and was ordered to be engrossed.

A message was received from the Senate informing the House that the Senate had receded from its amendments to H. B. No. 174: A bill to change the times of holding certain courts in the 11th Judicial District; and that the Senate had appointed Messrs. Standford and C. M. Cooke as the Senate branch of the Committee of Conference on S. B. No. 450, H. B. No. 445: A bill in relation to the passage of fish up Albermarle sound.

The Speaker announced Messrs. Walker, of Tyrrell, Woodhouse and Elliott, as the House branch of the last named committee.

- H. B. No. 415: A bill to incorporate the Western North Carolina Land and Colonization Company, was taken up. The committee amendments were accepted, and the bill passed its several readings, and was ordered to be engrossed.
- H. B. No. 356: A bill to change the line between the counties of Alleghany and Surry, was taken up, passed its several readings, and was ordered to be engrossed.
- S. R. No. 715: Resolution in regard to the Lovejoy Academy, was taken up, adopted, and ordered to be enrolled for ratification.
- S. B. No. 378, H. B. No. 685: A bill providing for the filling of vacancies occurring in boards of county commissioners, was taken up, passed its several readings, and was ordered to be enrolled for ratification.
- S. B. No. 554, H. B. No. 670: A bill to repeal the charter of the town of Beaufort, Carteret county, was taken up, passed

its several readings, and was ordered to be enrolled for ratifica-

- S. B. No. 529, H. B. No. 572: A bill to incorporate the Bank of Durham, was taken up, passed its several readings, and was ordered to be enrolled for ratification.
- S. B. No. 481, H. B. No. 571: A bill to amend the charter of the town of Durham, Orange county, was taken up, passed its several readings, and was ordered to be enrolled for ratification.

A message was received from the Senate, informing the House that the Senate would preced at 12 o'clock to-day to the election of seventeen trustees for the University, and that it had appointed Messrs. Graham and LeGrand to superintend said election, and transmitting the following nominations.

- B. F. Moore to fill the vacancy occasioned by the death of C. B. Saunders; and the following to fill vacancies to occur January, 1876:
- P. C. Cameron, C. D. Smith, K. P. Battle, Hon. W. H. Battle, Z. B. Vance, Hon. M. E. Manly, James A. Graham, Louis C. Latham, S. H. Walkup, C. W. Broadfoot, B. F. Grady, P. H. Winston, Jr., E. Hayne Davis, W. N. Mebane, John E. Dugger, John O. Hicks.

A message was sent to the Senate informing that body that the House had appointed Messrs. Walker, of Richmond, and Wheeler, to superintend the election on the part of the House.

Mr. McRae put in nomination the names of the gentlemen nominated by the Senate.

On motion of Mr. Robinson, the name of Mr. J. O. Hicks was withdrawn, and the name of Seaton Gales substituted therefor.

Mr. Wheeler put in nomination the name of Mr. C. H. Wiley.

Mr. McCubbins proposed the name of Dr. J. J. Summerell.

Mr. Munden nominated Mr. Wilson Hollowell.

Mr. Boyd nominated the Rev. D. A. Long.

Mr. Holt nominated Mr. Scarboro, in the place of B. F. Moore.

Mr. Moore nominated M. H. Pinnix.

Mr. Crews nominated J. L. Robinson.

Mr. Moore nominated Henry Nutt.

Mr. Lloyd nominated Henry Taylor.

Mr. Cary nominated N. R. Roane.

On motion of Mr. Robinson, the name of Mr. C. D. Smith, of Macon, was withdrawn from the list of Senate nominees in favor of Rev. D. A. Long.

Messrs. Wheeler and Walker, of Richmond, were appointed to superintend the election on the part of the House.

A ballot was then had, with the following result:

W. H. Battle received 54 votes; K. P. Battle, 58; C. W. Broadfoot, 58; P. C. Cameron, 66, J. E. Dugger, 49; E. H. Davis, 46; Seaton Gales, 63; J. A. Graham, 54; B. F. Grady, 63; L. C. Latham, 56; D. A. Long, 63; M. E. Manly, 71; W. N. Mebane, 61; B. F. Moore, 56; Z. B. Vance, 68; C. H. Wiley, 65; P. H. Winston, Jr., 45; S. H. Walkup, 62; A. C. Avery, 2; M. F. Arendell, 1; R. S. Beale, 5; J. E. Boyd, 1; D. C. Clarke, 2; C. G. Cox, 6; R. P. Dick, 1; J. F. Dortch, 4; W. A. Graham, 2; W. K. Gibbs, 1; George Greene, 2; W. C. Hollowell, 30; J. O. Hicks, 1; J. M. Leach, 1; J. W. Leak, 1; Nereus Mendenhall, 24; P. B. Means, 1; Jas. Marshall, 1; J. A. Moore, I; Alex. McIver, 1; Thos. D. McDonald, 1; D. M. McKay, 1; J. C. McRae, 12; J. W. Cotten, 6; Henry Nutt, 5; R. W. Nixon, 1; M. C. Patton, 1; M. H. Pinnix, 24; T. R. Purnell, 2; Solomon Pool, 1; R. T. Lassiter, 1; D. S. Reid, 3; N. M. Roane, 4; J. L. Robinson, 17; Thos. Ruffin, 2; J. N. Staples, 2; —— Scarboro, 37; Thos. Sparrow, 3; J. J. Summerell, 30; C. D. Smith, 1; Robert Strange, 1; Henry Taylor, 6.

It was announced that the joint result would be announced on Monday.

A message was received from the Senate, transmitting an engrossed copy of

S. B. No. 745: A bill in relation to charters of cities and towns, and asking concurrence therein.

Mr. Page moved to suspend the rules and put the bill on its readings.

The motion failed, and the bill took its place on the calendar. Leave of absence was granted to Mr. Spears until Wednesay.

A message was received from the Senate transmitting the following engrossed copies of

S. B. No. 243: A bill to amend the charter of the town of Kinston, Lenoir county; and

S. B. No. 280: A bill to authorize the city of Wilmington to issue bonds, and asking concurrence therein.

They were read the first time, and placed on the calendar. On motion of Mr. Boyd, the House adjourned until Monday at 10 A. M.

# SIXTY-SEVENTH DAY.

Monday, March 1st, 1875.

The House was called to order at 10 A. M., Mr. Speaker Robinson in the chair.

Prayer by the Rev. Mr. Atkinson, of the city.

The reading of the Journal of Saturday was dispensed with.

# INTRODUCTION OF PETITIONS, ETC.

By Mr. Hanner: A petition asking the passage of a law prohibiting the sale of ardent spirits near Mt. Gilead Baptist church, Chatham county. Placed on the calendar.

By Mr. Richardson: A petition from citizens of Welch's Creek township, Columbus county, asking for the prohibition

of the sale of liquor within two miles of Mount Zion Baptist church.

### REPORTS OF STANDING COMMITTEES.

Mr. Shackelford, from the Committee on Fngrossed Bills, reported

H. B. No. 545: A bill to amend the charter of the town of La Grange, Lenoior county, as correctly engrossed.

Mr. Staton, from the Committee on Counties, Cities, &c., reported favorably on

S. B. No. 654, H. B. No. 673: A bill supplemental to the act establishing the county of Pender.

The following bills and resolutions, reported as correctly enrolled by the Committee on Enrolled Bills, were duly ratified and transmitted to the Senate:

Resolution in relation to the Western North Carolina Railroad;

An act to amend chapter 39, Battle's Revisal, entitled Draining Wet Lands;

An act to prohibit the sale of spirituous liquors within one mile of Mott's Grove Camp Ground, and of Rehoboth church, in Catawba county;

An act to amend Battle's Revisal, chapter 17, section 198, in relation to attachments;

An act to define the jurisdiction of the mayor of Charlotte; An act to amend an act entitled an act to amend the charter of the Cheoah Turnpike Company;

An act to amend chapter 105, section 39, Battle's Revisal, as brought forward from Revised Code, chapter 102, section 37, entitled Salaries and Fees;

An act to amend chapter 146, laws of 1872-'73;

An act to amend chapter 137, laws of 1873-'74;

An act to relieve the counties of the State from the pay ment of costs and expenses of criminal prosecutions;

An act to define the rights of counsel;

An act to incorporate the Albemarle and Roanoke Railroad Company.

Messrs. Walker, of Richmond, and Wheeler, appointed on the part of the House to superintend the election of Trustees of the University, made the following report:

or a security as he had a most	describer 10	HOUSE VOTE.	SENATE VOTE.	TOTAL.
A. C. Avery	had received	2		2
M. T. Arendell	"	ī	EN WHAT	1
W. H. Battle	"	54	29	83
K. P. Battle	"	58	29	87
R. L. Beal	"	5	ta falsa	5
C. W. Broadfoot	66	58	29	87
James E. Boyd	"	1		i
Paul C. Cameron	"	66	29	95
D. C. Clark	"	2	atti i ne	2
C. G. Cox		6	HOUSE AND	6
R. P. Dick	"	1	2000	1
Isaac T. Dortch	"	4	PARTITION OF	4
John E. Dugger	The same	49		
E. H. Davis	66	46	The second second second	75
Seaton Gales	66	58	A PARTS	58
James A. Graham	"	54		83
W. A. Graham	"	2		
W. K. Gibbs	"	1		2 1
George Greene	66	2	A 162 71	2
B. F. Grady	"	63	29	92
W. C. Hollowell	"	30		30
John O. Hicks	"	1		1
Louis C. Latham	"	56	29	85
James M. Leach	"	1	DESCRIPTION OF THE PARTY OF THE	1
John W. Leak	"	1	A 65 M	1
D. A. Long	66	56		56
Nereus Mendenhall	"	24		24
M. E. Manly	"	71	29	100
W. N. Mebane	66	61	29	90
P. B. Means	"	1	15 60 19	1
James Marshall	"	1	P SE IS	1
John L. Morehead	"	1	The and and	1
John A. Moore	"	2	- Substitute	2

			====
	HOUSE	SENATE	TOTAL.
100	VOTE.	VOTE.	IUIAII.
A STATE OF THE PARTY OF THE PAR			
Alexander McIver had received	1	be trickly	1
Thos. S. D. McDowell "	1		1
D. M. McKay	1	(300,000)	1
Jas. C. McRae "	12		12
- McCotter	6		6
Henry Nutt	5 3		5 5
R. W. Nixon "	3	2	
M. C. I atton	1		1
M. H. Pinnix	24	10 11.00	24
Thos. R. Purnell "	2	perdagail	2
Solomon Pool "	1	100	1
R. T. Lassiter "	$\frac{1}{3}$	W. The	1
D. S. Reid "		Filedayi	3
N. M. Roane "	4	ave II ii	4
James L. Robinson "	17	Saidu 3	17
Thomas Ruffin "	1		1
J. N. Staples	1	1 55	1
D. C. Scarborough "	37	- This	37
Thos. Sparrow "	3	nemal.	3
J. J. Summerell "	30		30
C. D. Smith	1	2	3
Robert Strange	1	Alles Francis	1
E. B. Wethers "	1000	2	2
Edward Cantwell "		1	1
Henry Taylor "	6		6
J. E. Tucker "	2		2
Z. B. Vance	68	29	97
P. D. Walker "	5	M	5
C. H. Wiley	65	of a little	65
P. H. Winston, Jr., "	45	31	76
C. H. Wiley P. H. Winston, Jr., S. H. Walkup ""	62	29	91
D. C. Winston	1		1
J. F. Wooten "	5		5
To fill the vacancy occasioned by the		11	
death of Claude B. Sanders:		g farmely	
B. F. Moore received	56	29	85
	A CHARLES TO SERVICE		

To fill vacancies to occur January 1st, 1876, the following gentlemen received the highest number of votes cast, and are declared elected:

Messrs. W. H. Battle, Paul C. Cameron, John E. Dugger, James A. Graham, Kemp P. Battle, Louis C. Latham, Matthias E. Manly, W. N. Mebane, Z. B. Vance, S. H. Walkup, P. H. Winston, Jr., C. H. Wiley, Seaton Gales, E. Hayne Davis, C. W. Broadfoot and B. F. Grady.

(Signed)

P. D. WALKER, W. H. WHEELER, Tellers.

Mr. Moring asked that the vote by which the election of trustees was had, might be reconsidered, in order that he might record his vote.

The Speaker took the motion under advisement.

### INTRODUCTION OF RESOLUTIONS.

By Mr. McRae: A resolution in reference to the American Centennial. Placed on the calendar.

## INTRODUCTION OF BILLS.

By Mr. Greene: A bill to attach Watauga county to the Tenth Judicial District. Placed on the calendar.

By Mr. Pinnix: A bill to amend section 252, chapter 17, Battle's Revisal. Referred to the Judiciary Committee.

By Mr. Walker, of Tyrrell: A bill in relation to fishing in Albemarle sound and certain rivers. Placed on the calendar.

### BILLS LAID ON THE TABLE.

The following bills were taken up and laid on the table:

H. B. No. 337: A bill to create a lien in favor of landlords; H. B. No. 298: A bill for the benefit of Jerry Waters and W. E. Moye;

H. B. No. 319: A bill to prohibit gambling in churches, fair grounds and other places;

H. B. No. 322: A bill to amend section 9, chapter 65, Battle's Revisal, liens of mechanics and others;

H. B. No. 340: A bill to prevent the felling of trees in Big creek, Stokes county;

H. B. No. 349: A bill to amend Battle's Revisal, section 9,

chapter 112;

H. B. No. 350: A bill to amend chapter 111, Battle's Revisal;

H. B. No. 368: A bill to prevent the felling of trees in Eno,

Little and Flat rivers, Orange county;
H. B. No. 373: A bill to incorporate Shook's Camp Ground of the M. E. Church and Pleasant Hill Baptist church, Hay-

wood county;

H. B. No. 33: A bill to create the county of Bragg, was taken up.

On the call of Mr. Davis, of Haywood, the yeas and nays were had, and the bill was tabled by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Atwater, Barnhardt of Caldwell, Bernheardt of Rowan, Barrett, Bettis, Boyd, Bunn, Carter, Cary, Crews, Dortch, Elliott, Fields, Finger, Foote, Gaither, Glenn, Good, Hanner, Haymore, Hooker, Hughes, Isler, Jessup, Jetton, Jones, Kendall, Latta, Lloyd, Martin, McCalop, McCubbins, McIver, McRae, Mitchell, Mizell, Mock, Moffitt, Moore, Moring, Moseley, Munden, Newell, Page, Parker, Patton, Pinnix, Reid, Richardson, Sharpe, Smith of Hyde, Staples, Staton, Stephenson, Stowe and Walker of Tyrrell—57.

The following gentlemen voted in the negative:

Messrs. Bizzell, Blythe, Bryan, Bryson, Candler, Davis of Haywood, Davis of Jackson, Eatman, Erwin, Etheridge, Freeman, Garrison, Gash, Green, Griffin, Hicks, Holt, Hurley, Johnston, King, Mebane, Oaksmith, Parrott, Presson, Proffitt, Shackelford, Smith of Anson, Tate, Thompson of Beaufort, Whisnant, Wiley and Woodhouse—32.

H. B. No. 375: A bill to amend chapter 32, section 39, Battle's Revisal.

H. B. No. 364: A bill to prevent the sale of intoxicating liquors in certain localities.

H. B. No. 376: A bill to regulate the per diem of jurors.

H. B. No. 383: A bill making using language to disturb students attending schools, &c., a misdemeanor;

H. B. No. 389: A bill to amend sections 1 and 2, chapter 20, laws of 1868-'69.

H. B. No. 377: A bill to amend the election laws, was taken up.

The yeas and nays were called, and the bill was laid on the table by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Atwater, Barnhardt of Caldwell, Bernheardt of Rowan, Barrett, Bettis, Bizzell, Bryan, Dortch, Eatman, Freeman, Gaither, Gash, Hanner, Haymore, Holt, Hooker, Hurley, Isler, Jessup, Jetton, Johnston, Kendall, Lloyd, Martin, McCalop, McCubbins, McIver, McRae, Mebane, Mitchell, Mock, Moffitt, Moring, Moseley, Page, Parrott, Patton, Pinnix, Presson, Proffitt, Reid, Richardson, Shackelford, Sharpe, Smith of Anson, Smith of Hyde, Staples, Staton, Stephenson, Stowe, Strong, Tate, Thompson of Beaufort, Walker of Richmond, Walker of Tyrrell, Whitley, Wiley, Woodhouse and Young—60.

The following gentlemen voted in the negative:

Messrs. Blythe, Boyd, Bryson, Bunn, Candler, Carter, Cary, Crews, Davis of Haywood, Davis of Jackson, Elliott, Erwin, Garrison, Glenn, Good, Green, Griffin, Hicks, Hughes, Jones, Latta, Mizell, Moore, Munden, Newell, Parker, Ward, Wheeler and Whisnant—29.

The bill to establish the new county of Linville was taken up, and on the call of Mr. Young, the yeas and nays were had, and the bill was tabled by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Atwater, Bernheardt of Rowan, Barrett, Bettis, Bunn, Carter, Crews, Dortch, Eatman, Elliott, Etheridge, Fields, Finger, Freeman, Gaither, Glenn, Good, Hanner, Haymore, Hooker, Hughes, Isler, Jessup, Jetton, Johnston, Jones, Kendall, Latta, Lloyd, Martin, McCubbins, McIver,

McRae, Mebane, Mitchell, Mock, Moffitt, Moore, Moring, Moseley, Munden, Page, Parker, Patton, Pinnix, Presson, Richardson, Sharpe, Smith of Anson, Staples, Staton, Stephenson, Stowe, Walker of Tyrrell and Wheeler—56.

The following gentlemen voted in the negative:

Messrs. Barnhardt of Caldwell, Bizzell, Blythe, Bryan, Bryson, Candler, Davis of Haywood, Davis of Jackson, Erwin, Garrison, Gash, Green, Griffin, Hicks, Holt, King, Oaksmith, Parrott, Proffitt, Shackelford, Tate, Thompson of Beaufort, Walker of Richmond, Whisnant, Wiley, Woodhouse and Young—27.

#### CALENDAR.

- S. B. No. 90, H. B. No. 562: A bill amendatory of an act chartering the Carolina Narrow Gauge Railroad, was taken up, and re-committed to the Committee on Internal Improvements.
- H. R. No. 131: Resolution in favor of Louis Hilliard and Thomas J. Wilson, was taken up, and referred to the Committee on Salaries and Fees.
- H. B. No. 244: A bill to prevent the felling of trees in the channel of South creek, Beaufort county, was taken up, passed its several readings, and was ordered to be engrossed.
- H. B. No. 250: A bill to amend an act chartering the Fayetteville Building and Loan Association, was taken up, passed its several readings, and was ordered to be engrossed.
- H. B. No. 318: A bill to punish the burning of grain and other products secured in stacks, &c., out of doors, was taken up, passed its several readings, and was ordered to be engrossed.
- H. B. No. 708: A bill to attach Watauga county to the 10th Judicial District, was taken up, passed its several readings, and was ordered to be engrossed.

Mr. Green moved to reconsider the vote by which the bill passed its third reading, and to lay that motion on the table. The motion to table prevailed.

H. B. No. 709: A bill in relation to fishing in Albemarle sound and certain rivers, was taken up.

Mr. Moore moved to lay the bill on the table. The motion did not prevail.

The bill passed its several readings, and was ordered to be sent to the Senate without engrossment.

H. B. No. 430: A bill to amend section 13, chapter 63, Battle's Revisal, was taken up.

The substitute reported by the committee was adopted, and the bill passed its several readings, and was ordered to be engrossed.

H. B. No. 346: A bill to require the Secretary of State to perform certain duties, was taken up.

The substitute reported by the committee was adopted, and the bill passed its second reading.

H. B. No. 355: A bill to construct a public road from the Virginia line to the top of the Blue Ridge, in Alleghany county, was taken up and passed its several readings, and was ordered to be engrossed.

On motion of Mr. Eatman, it was agreed that when the House adjourn it should adjourn to meet again at 7:30 o'clock this evening.

S. B. No. 217, H. B. No. 471: A bill to amend chapter 137, section 1, laws of 1873-'74, was taken up, passed its several readings, and was ordered to be enrolled for ratification.

H. B. No. 358: A bill to lay out and construct a public road from Peach Bottom Copper Mine, Alleghany county, to the Virginia line, was taken up, passed its several readings, and was ordered to be engrossed.

H. B. No. 359: A bill to amend an act to lay off a public road in the counties of Davie and Davidson, was taken up and passed its second reading.

H. B. No. 574: A bill to amend the general railway law of the State, was taken up.

On motion of Mr. Tate, the bill was referred to the Judiciary Committee.

On motion of Mr. Boyd, the bill was ordered to be printed.

H. B. No. 361: A bill to regulate the charges, tolls, &c., of the Roanoke Navigation Company, was taken up, and on motion of Mr. Candler, referred to the Judiciary Committee.

S. R. No. 546, H. R. No. 156: A resolution in favor of J. H. Enniss, was taken up and passed its several readings, and was ordered to be enrolled for ratification.

S. R. No. 607, H. R. No. 164: A resolution in favor of W. H. Morriss & Co., was taken up, passed its several readings, and was ordered to be enrolled for ratification.

H. R. No. 148: A resolution in favor of J. H. Enniss, was taken up, passed its several readings, and was ordered to be engrossed.

On motion of Mr. McRae, the use of the Hall for Wednesday evening was granted to the State Grange, Patrons of Hus-

bandry.

H. B. No. 369: A bill to authorize the finance committee in the several counties of the State to administer oaths in certain cases, was taken up, passed its several readings, and was ordered to be engrossed.

H. B. No. 703: A bill to authorize the mayor and commissioners of Elizabeth City to issue bonds, was taken up, and passed its second reading by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Atwater, Barnhardt of Caldwell, Bernheardt of Rowan, Bettis, Bizzell, Blythe, Boyd, Bryan, Bryson, Candler, Carter, Cary, Crews, Davis of Haywood, Davis of Jackson, Dortch, Eatman, Erwin, Etheridge, Fields, Finger Foote, Freeman, Gaither, Garrison, Gash, Glenn, Good, Green, Griffin, Hanner, Haymore, Hicks, Holt, Hughes, Hurley, Isler, Jessup, Jetton, Jones, Kendall, Latta, Lloyd, Martin, McCalop, McCubbins, McIver, McRae, Mebane, Mitchell, Mizell, Mock, Moffitt, Moring, Moseley, Munden, Newell, Page, Parker, Parrott, Patton, Pinnix, Presson, Proffitt, Reid, Richardson, Shackelford, Sharpe, Smith of Anson, Smith of Hyde, Staton, Stephenson, Strong, Tate, Thompson of Beaufort,

Walker of Tyrrell, Ward, Whisnant, Whitley and Woodhouse —81.

Mr. Bunn voted in the negative.

### SPECIAL ORDER.

H. B. No. 541: A bill in relation to the Western North Carolina Railroad, was taken up as the special order of the hour.

On motion of Mr. Pinnix, the bill was postponed and made special order for to-morrow at 12 M.

H. B. No. 22: A bill in relation to the militia of the State, was taken up as the second special order, and, on motion of Mr. Mebane, postponed and made special order for Saturday at 12 M.

The calendar was resumed:

- S. B. No. 559, H. B. No. 657: A bill to attach so much of Craven county as lies east of Adams' creek to Carteret county, was taken up, passed its several readings, and was ordered to be enrolled for ratification.
- H. B. No. 372: A bill to incorporate the town of Franklinsville, Randolph county, was taken up and passed its several readings, and was ordered to be engrossed.
- H. B. No. 554: A bill in relation to estrays, was taken up, passed its several readings, and was ordered to be engrossed.

A message was received from the Senate transmitting the following bills:

- S. B. No 541: A bill to amend the charter of Wilmington;
- S. B. No. 678: A bill to incorporate the Wilmington and Coast Turnpike Company;
- S. B. No. 164: A bill to punish persons for obtaining money, goods, or anything of value by false pretences;
- S. B. No. 424: A bill to amend section 54, chapter 61, Battle's Revisal;
- S. B. No. 383: A bill prescribing the mode by which corporations may convey real estate;

- S. B. No. 619: A bill for the relief of disabled soldiers;
- S. B. No. 533: A bill to lay out and construct a public road from Edwin D. Greer's to Jefferson, in Ashe county;
- S. B. No. 663: A bill to amend an act entitled an act in favor of certain officers and tax payers of North Carolina, it being chapter 70, public laws of 1873-74;
- S. B. No. 614: A bill to amend section 12, chapter 100, of Battle's Revisal;
- S. B. No. 720: A bill concerning applications for prohibition of the sale of spirituous liquors, &c.;
- S. B. No. 340: A bill to cure defects in certain judicial proceedings;
- S. B. No. 676: A bill to re-assess the real property of Pitt county;
- S. B. No. 305: A bill to amend chapter 17, Battle's Revisal, title 2, Code of Civil Procedure;
- S. B. No. 603: A bill to prohibit the sale of spirituous liquors within two miles of Lenoir Institute, in the county of Lenoir;

They were read the first time and referred, as follows:

Senate Bills Nos. 164, 424, 383, 305, 614, 720 and 340, were referred to the Judiciary Committee.

S. B. No. 541, to the Committee on Counties, Cities, &c.; Senate Bills Nos. 678 and 533, to the Committee on Railroads, Post Roads, &c.;

Senate Bills Nos. 603 and 619, to the Committee on Propositions and Grievances;

- S. B. No. 663, to the Committee on Education;
- S. B. No. 678, to the Committe on Finance.

By consent, Mr. Lloyd introduced a bill to repeal line 26, chapter 137, laws of 1873-'74. Referred to the Committee on Propositions and Grievances.

The calendar was resumed:

H. B. No. 378: A bill to amend chapter 120, section 1, laws of 1871-'72, was taken up, passed its several readings, and was ordered to be engrossed.

H. B. No. 382: A bill to amend chapter 120, section 1, Battle's Revisal, was taken up. The committee amendments were accepted, the bill passed its several readings, and was ordered to be engrossed.

H. B. No. 385: A bill in relation to the registration of deeds and other papers in certain cases, was taken up, passed its several readings, and was ordered to be engrossed.

H. B. No. 388: A bill for the protection of fisheries, was taken up, passed its several readings, and was ordered to be engrossed.

The following bills were introduced by consent, and referred to the Judiciary Committee:

By Mr. Walker, of Richmond: A bill to extend the time of transferring causes;

By Mr. Pinnix: A bill in relation to costs in State causes; By Mr. Pinnix: A bill to require Clerks of Superior Courts and registers of deeds to make complete indexes;

By Mr. Moring: A bill to strike out section 243, chapter 17, Battle's Revisal;

A message was received from the Senate transmitting an engrossed copy of

S. B. No. 746: A bill to amend the charter of the Western Railroad Company, and asking concurrence therein.

The bill was read the first time, and referred to the Committee on Internal Improvements.

### COMMITTEE ON THE WHOLE.

On motion of Mr. Tate, the House went into the Committee of the Whole for the consideration of the bill to provide for the collection of taxes on property, polls, &c., in the several counties of the State, known as the Machinery Bill.

When the committee rose, the Chairman, Mr. McRae, reported progress, and asked leave to sit again.

On motion, the House adjourned to meet again at 7:30 o'clock this evening.

## EVENING SESSION.

The House met at 7:30 o'clock, Mr. Speaker Robinson in the chair.

On motion of Mr. Tate, Messrs. Moring, Richardson and Wiley were excused from attendance upon this evening's session, they being engaged in the report in connection with the location of the branch of the insane asylum.

### CALENDAR.

H. B. No. 401: A bill for the protection of church property, was put on its second reading, a motion to table failed for want of a quorum, and the bill passed its second reading, and went to a third reading, and failed for want of a quorum.

H. B. No. 402: A bill to require all male persons, except ministers of the gospel, to work on roads, was taken up and put on its second reading.

A motion to table failed for want of a quorum.

The question was again put.

Mr. Patton moved to amend by inserting the words, "having pastoral charge."

Mr. Eatman moved the bill be indefinitely postponed.

Mr. Stapes called the yeas and nays, which call was not sustained, and Mr. Eatman's motion prevailed.

H. B. No. 407: A bill to amend section 6, chapter 176, laws of 1873-'74, was, on motion, laid on the table.

H. B. No. 408: A bill to allow the commissioners of Bladen county to levy a special tax, was taken up and passed its several readings by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Atwater, Barnhardt of Caldwell, Bernheardt of Rowan, Barrett, Bettis, Bizzell, Bunn, Candler, Carter, Davis of Haywood, Davis of Jackson, Dortch, Eatman, Elliott, Erwin, Etheridge, Fields, Finger, Foote, Freeman,

Gaither, Garrison, Glenn, Good, Green, Griffin, Gudger, Hanner, Harrison, Haymore, Hicks, Hooker, Hurley, Isler, Jessup, Jetton, Johnston, Kendall, King, Latta, Lloyd, Martin, McCalop, McCubbins, McIver, McRae, Mebane, Mitchell, Mock, Moffitt, Moseley, Newell, Oaksmith, Patton, Pinnix, Presson, Proffitt, Scott, Shackelford, Sharpe, Smith of Anson, Staples, Staton, Stowe, Tate, Thompson of Beaufort, Wheeler, Whisnant, Whitley, Wood, Woodhouse and Young—73.

Mr. Holt voted in the negative.

H. B. No. 410: A bill in relation to the corporate limits of Thomasville, was put on its second reading.

On motion of Mr. Pinnix, the bill was amended by inserting "sixty" instead of "thirty days."

The bill was put on its second reading, upon which Mr. Wheeler called the yeas and nays.

The call was not sustained, and upon a division, the bill passed its second reading, and went to its third.

Mr. Wheeler moved the bill be referred to the Judiciary Committee, and it was so ordered.

H. B. No. 412: A bill to allow compensation to jurors, was, on motion, laid on the table.

H. B. No. 413: A bill to allow justices of the peace to issue subpænas in certain cases, was taken up on its second reading, and, on motion, laid on the table.

H. B. No. 414: A bill to amend chapter 118, Battle's Revisal, was taken up, passed its several readings, and was ordered to be engrossed and sent to the Senate.

H. B. No. 418: A bill to locate a county site for the county of Pamlico, was put on its second reading.

The amendments of the committee were adopted, and the bill passed its several readings, and was ordered to be engrossed and sent to the Senate.

H. B. No. 429: A bill to amend section 199, Code of Civil Procedure, was put on its several readings, and was, on motion, laid on the table.

H. B. No. 448: A bill concerning Antioch Camp Ground,

in the county of Alleghany, and to provide a board of trustees therefor, passed its several readings, and was ordered to be engrossed and sent to the Senate.

H. B. No. 769: A bill in regard to taking fish in the county of Onslow, passed its several readings, and was ordered to be engrossed and sent to the Senate.

H. B. No. 514: A bill to encourage the raising of sheep, &c., in the counties of Watauga and Ashe, passed its several readings, and was ordered to be engrossed and sent to the Senate.

H. B. No. 527: A bill for the relief of Mike Woods, was taken up.

Mr. Dortch moved the following amendment: Insert after the word "allow," "until the 1st day of January, 1876."

The amendment was adopted, and the bill passed its several readings, and was ordered to be engrossed and sent to the Senate.

H. B. No. 514 was ordered to be sent to the Senate without engrossment.

H. B. No. 452: A bill to lay out and construct a public road through the counties of Watauga and Caldwell, was taken up, passed its several readings, and was ordered to be sent to the Senate.

H. B. No. 462: A bill to amend sub-section 10, of section 21, chapter 105, Battle's Revisal, was, on motion, laid on the table.

H. B. No. 464: A bill to amend section 1, chapter 250, laws of 1868-'69, chapter 118, Battle's Revisal, passed its several readings, and was ordered to be engrossed and sent to the Senate.

H. B. No. 466: A bill to repeal sub-section 142, of section 23, chapter 804, of Battle's Revisal, was, on motion, laid on the table.

H. B. No. 468: A bill relating to lunatics in the several counties in the State, was taken up.

Mr. Gudger offered the following amendment:

Provided, That the physicians shall certify to the insanity.

Mr. Pinnix moved to refer to the Judiciary Committee.

Mr. Davis, of Jackson, moved to table.

The motion failed, and the motion of Mr. Pinnix to re-commit prevailed.

H. B. No. 469: A bill in regard to suits by and against the State Treasurer, passed its several readings, and was ordered to be engrossed and sent to the Senate.

H. B. No. 478: A bill for the protection of food fish in the waters of North Carolina, was taken up, and, on motion, laid on the table.

H. B. No. 480: A bill to amend the charter of the city of Charlotte, was, on motion, laid on the table.

H. B. No. 391: A bill to change the dividing line between Paulico and Craven counties, was taken up, passed its several readings, and was ordered to be engrossed and sent to the Senate.

H. B. No. 482: A bill to lay off and establish a public road in the counties of Alexander and Wilkes, was taken up and passed its several readings, and was ordered to be engrossed and sent to the Senate.

H. B. No. 501: A bill to empower the county commissioners of certain counties in this State to reduce the official bonds of certain county officers, was put on its second reading, and passed, and upon going to a third, Mr. Thompson, of Beaufort, moved to amend by inserting "county treasurers."

Mr. McIver moved to lay the whole matter on the table, and the House refused to table.

The question was then put on the amendment of Mr. Thompson.

Mr. Gudger moved to indefinitely postpone, and the motion prevailed.

H. B. No. 504: A bill to pay the clerks of the Superior

Courts per diem during a regular or special term, on motion, was laid on the table.

S. B. No. 377, H. B. No. 626: A bill to incorporate the Widows' and Orphans' Benefit Association of the M. E. Church, South, passed its several readings, and was ordered to be enrolled for ratification.

H. B. No. 506: A bill to amend chapter 17, of Battle's Revisal, was taken up.

The substitute offered by the committee was adopted, and the bill, so substituted, passed its several readings, and was ordered to be engrossed and sent to the Senate.

H. B. No. 507: A bill to allow the citizens of Swain and Jackson to pass through the county of Macon without paying toll, was taken up.

Mr. Davis, of Jackson, sent forward an amendment:

Provided, The citizens of Haywood county shall not be charged toll at the gate, on the road east of Webster, in Jackson county.

The amendment was adopted, and the bill passed its several readings, and was ordered to be engrossed and sent to the Senate.

H. B. No. 508, to authorize justices of the peace to take the privy examination of *femes covert* in any of the counties of the State, was, on motion, laid on the table.

H. B. No. 509, to repeal chapter 104, of the public laws of 1873-'74, and to re-enact section 19, of chapter 112, of Battle's Revisal, was, on motion, laid on the table.

H. B. No. 513: A bill to repeal sections 14, 15, 16 and 17, chapter 2, Battle's Revisal, was made special order for Monday at 12 o'clock.

H. B. No. 524, to amend the charter of Winston for the purpose of establishing graded schools, was taken up, but

Mr. McIver moved to adjourn.

Mr. Eatman demanded the yeas and nays. The call was not sustained, and, on a division, the House refused to adjourn.

The question was put on H. B. No. 524, and the bill passed its second reading by the following vote:

The following gentleman voted in the affirmative:

Messrs. Anderson, Atwater, Barnhardt of Caldwell, Bernheardt of Rowan, Barrett, Bettis, Bizzell, Bryan, Bryson, Candler, Davis of Haywood, Davis of Jackson, Dortch, Eatman, Erwin, Etheridge, Fields, Finger, Freeman, Gaither, Garrison, Glenn, Good, Green, Griffin, Gudger, Hanner, Harrison, Haymore, Hicks, Hooker, Hurley, Isler, Jessup, Jetton, Johnston, Jones, Kendall, King, Latta, Lloyd, Martin, McCalop, McCubbins, McIver, McRae, Mebane, Mitchell, Mizell, Moffitt, Moseley, Newell, Patton, Pinnix, Presson, Scott, Sharpe, Smith of Anson, Staples, Staton, Stowe, Tate, Whisnant, Whitley, Woodhouse and Young—66.

Negative-None.

Mr. Staples moved to adjourn, as, he stated, for the benefit of the clerks in making up the Journal of the House, on which motion Mr. Erwin demanded the yeas and nays, and the House refused to adjourn by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Barrett, Candler, Dortch, Gaither, Good, Kendall, Lloyd, Mebane, Mitchell, Sharpe, Staples and Stowe—12.

The following gentlemen voted in the negative:

Messrs. Anderson, Atwater, Bernheardt of Rowan, Bennett, Bryan, Bryson, Davis of Haywood, Davis of Jackson, Eatman, Erwin, Etheridge, Fields, Finger, Freeman, Garrison, Glenn, Green, Griffin, Gudger, Hanner, Harrison, Hicks, Holt, Hooker, Isler, Jessup, Jetton, Johnston, Jones, King, Latta, Martin, McCalop, McCubbins, McIver, McRae, Mizell, Moore, Moseley, Newell, Oaksmith, Patton, Pinnix, Presson, Smith of Anson, Staton, Tate, Wheeler, Whisnant, Whitley, Woodhouse and Young—52.

H. B. No. 620: A bill to authorize the board of commissioners of Watauga county to establish lost or burnt records of their county, passed its several readings, and was ordered to be engrossed and sent to the Senate.

On motion of Mr. Latta, the House adjourned until to-mor row at 10 o'clock.

## SIXTY-EIGHTH DAY.

Tuesday, March 2d, 1875.

The House was called to order at 10 A. M., Mr. Speaker Robinson in the chair.

Prayer by the Rev. Mr. Marshall, of the city.

The Journal of yesterday was read and approved.

### INTRODUCTION OF PETITIONS.

By Mr. King: A petition from citizens of Cherokee county, asking the repeal of the prohibitory law, near Mt. Pleasant Academy.

The petition was referred to the Committee on Propositions and Grievances.

## REPORTS OF STANDING COMMITTEES.

Mr. McRae, from the Committee on Judiciary, reported favorably on the following bills:

H. B. No. 715, S. B. No. 614: A bill to amend section 12, chapter 100, Battle's Revisal;

H. B. No. 650, S. B. No. 646: A bill concerning the jurisdiction of justices of the peace in criminal matters;

H. B. No. 729, S. B. No. 164: A bill to punish persons for obtaining money, goods, &c., by false promises;

H. B. No. 730, S. B. No. 424: A bill to amend section 54, chapter 61, Battle's Revisal;

H. B. No. 728, S. B. No. 383: A bill prescribing the mode by which corporations may convey real estate; H. B. No. 724: A bill to extend the time for transferring causes;

H. B. No. 689, S. B. No. 32: A bill to punish accessories before the fact in crimes of murder, arson, burglary and rape;

H. B. No. 690: A bill to amend chapter 33, Battle's Revisal, &c.;

H. B. No. 713, S. B. No. 720: A bill concerning applications for prohibition of the sale of liquor or the repeal of such laws, &c.; and unfavorably on

H. B. No. 726: A bill requiring Clerks of the Superior Courts and Register of Deeds, to make complete indexes.

Mr. Barnhardt, of Caldwell, from the Committee on Propositions and Grievances, reported favorably on the following bills:

H. B. No. 723: A bill to repeal line 26, chapter 137, laws of 1873-'74;

H. B. No. 697, S. B. No. 435: A bill to declare the Neuse river a lawful fence from the Falls of Neuse, to Ezekiel's Rock, Wake county;

H. B. No. 722, S. B. No. 619: A bill for the relief of disabled soldiers, with amendments; and unfavorably on

H. B. No. 696: A bill concerning apprentices.

Mr. McRae, from the Committee on Internal Improvements, reported favorably on the following:

H. B. No. 719, S. B. No. 746: A bill to amend the charter of the Western Railroad Company;

H. R. No. 166: Resolution in relation to the Chesapeake and Albemarle Canal Company, with amendment;

H. B. No. 562, S. B. No. 90: A bill to amend the charter of the Carolina Narrow Gauge Railroad;

Mr. Staton, from the Committee on Counties, Cities, &c., reported favorably on H. B. No. 720, S. B. No. 541: A bill to amend the charter of the city of Wilmington; and on

H. B. No. 622: A bill for the better government of the town of Tarboro.

Mr. Richardson, from the Committee on Corporations, re-

ported favorably on H. B. No. 662: A bill to incorporate Nashville Lodge, No. 84, I. O. O. F., &c.;

Mr. Tate, from the Committee on Finance, reported favorably on H. B. No. 716, S. B. No. 676: A bill to re-assess the real property of Pitt county; and on

H. B. No. 691: A bill in relation to the land scrip fund, &c.; The committee were divided, a portion recommending its passage.

Mr. Pinnix, from the Judiciary, reported favorably on

H. B. No. 707: A bill to amend section 252, chapter 17, Battle's Revisal.

Mr. Shackelford, from the Committee on Engrossed Bills, reported the following bills and resolutions as correctly engrossed, and they were ordered to be sent to the Senate, asking concurrence therein:

H. B. No. 365: A bill for the relief of the sheriffs of Iredell, Alexander and Surry;

H. B. No. 679: A bill to regulate the taking of fish in the waters of New river, Onslow county;

H. B. No. 481: A bill for the benefit of the farmers in Murphy Swamp, &c., Cumberland county;

H. B. No. 711: A bill to amend section 13, chapter 63, Battle's Revisal;

H. B. No. 244: A bill to prevent the felling of timber in South creek, Beaufort county;

H. B. No. 355: A bill to lay out and construct a public road from the Virginia line to the top of the Blue Ridge, in Alleghany county;

H. R. No. 148: A resolution in favor of James H. Enniss;

H. B. No. 415: A bill to incorporate the Western North Carolina Land and Colonization Company;

H. B. No. 318: A bill to punish the burning of grain and other products, secured in stacks, or otherwise out of doors;

H. B. No. 369: A bill to authorize the finance committee of the several counties to administer oaths in certain cases;

H. B. No. 250: A bill to amend an act to incorporate the

Fayetteville Building and Loan Association, ratified January 5th, 1872;

H. B. No. 465: A bill to authorize the commissioners of Jackson to have a toll gate erected, &c.;

H. B. No. 358: A bill to lay out and construct a public road from Peach Bottom Copper Mines, in Alleghany county, to the Virginia line;

H. B. No. 356: A bill to change the line between the counties of Alleghany and Surry;

H. B. No. 708: A bill to attach the county of Watauga to the 10th Judicial District, and to change the time of holding the Superior Courts for the counties of Watauga, Alleghany, Wilkes and Iredell;

H. R. No. 176: Resolution of instruction to the Board of Internal Improvements on frauds, corruptions, &c.;

H. B. No. 610: A bill concerning banking institutions in this State.

The following bills and resolutions, reported as correctly enrolled by the Committee on Enrolled Bills, were duly ratified and sent to the Senate:

An act to authorize the county commissioners of Montgomery county to levy a special tax;

An act to incorporate Swann's Station, in the county of Moore;

An act to amend an act to incorporate the Cheoah Turnpike Company, by authorizing the construction of the branch road from Valley river, Cherokee county, to Haysville, Clay county;

An act to prevent the sale of liquor near Hayesville Academy, Clay county;

An act to allow Lincolnton township, Lincoln county, N. C., to subscribe to the Chester and Lenoir Narrow Gauge Railroad;

An act to prevent the sale of any intoxicating liquors within three miles of Asheville and Spartanburg Railroad;

An act to repeal a portion of chapter 137, laws of 1873-'74; Resolution in regard to the Lovejoy Academy;

An act to amend chapter 50, private laws of 1871-'72, entitled an act to incorporate the town of Boone, in the county of Watauga;

An act to change the dividing line between the counties of Gaston and Lincoln;

An act to continue in force an act to incorporate the Bank of Raleigh;

An act repealing a certain part of chapter 137, laws of 1873-'74:

An act providing for the filling of vacancies occurring in the boards of county commissioners in the State;

An act to amend chapter 171, laws of 1872-'73;

An act to repeal the charter of the town of Beaufort, Carteret county;

An act to incorporate Lodge, No. 1, Grand Order of the Patrons of Mercy, Wilmington, N. C.;

An act to amend chapter 17, of Battle's Revisal, known as the Code of Civil Procedure, title 12, section 276, sub-division 4.

An act in relation to fishing in Albemarle sound and certain rivers;

An act to protect the stock of the citizens of Forsythe county;
An act to incorporate Cedar Fork Lodge, No. 342, Free and
Accepted Masons;

An act incorporating the Southern Underwriters' Associa-

## INTRODUCTION OF RESOLUTIONS.

The following resolutions were introduced and placed on the calendar:

By Mr. Moring: A resolution in favor of the witnesses in the matter of J. Williams Thorne.

By Mr. Davis, of Haywood: A resolution relating to perdiem.

#### INTRODUCTION OF BILLS.

By Mr. Griffin: A bill to amend chapter 45, section 8, laws of 1872-'73, Battle's Revisal, chapter 97, section 15. Referred to the Judiciary Committee.

By Mr. Griffin: A bill to amend chapter 105, Battle's Revisal. Referred to the Committee on Salaries and Fees.

By Mr. Walker, of Richmond: A bill to incorporate the Atlantic Iron and Steel Company. Referred to the Committee on Corporations.

By Mr. Walker, of Richmond: A bill concerning the payment of lunatic claims. Referred to the Judiciary Committee.

By Mr. Hanner: A bill to prohibit the sale of spirituous liquors in certain localities in Chatham county. Placed on the calendar.

### CALENDAR.

The morning hour having expired, the calendar was taken up. H. B. No. 533: A bill to establish the City Bank of Wilmington, was taken up on its second reading, passed its several readings and was ordered to be engrossed and sent to the Senate.

H. B. No. 542: A bill to amend section 11, chapter 53, Battle's Revisal, was taken up, and, on motion, laid on the table.

H. B. No. 543: A bill to amend section 2, of chapter 30, of Battle's Revisal, was, on motion, laid on the table.

H. B. No. 549: A bill to require the reading of the Bible in schools, was taken up.

Mr. Latta moved to lay the bill on the table, and on that motion Mr. Blythe called the yeas and nays. The call was not sustained.

The bill was put on its second reading and passed, and went to its third reading, on which Mr. Hanner moved to table.

Mr. King demanded the yeas and nays, and the House refused to table by the following vote: The following gentlemen voted in the affirmative:

Messrs. Anderson, Atwater, Barrett, Bryan, Bryson, Dortch, Etheridge, Fields, Finger, Gash, Glenn, Gudger, Hanner, Harrison, Haymore, Holt, Hooker, Isler, Jessup, Jetton, Johnston, Latta, Martin, McCalop, Mebane, Moring Moseley, Patton, Pinnix, Presson, Richardson, Smith of Anson, Smith of Hyde, Staples, Staton, Stowe, Thompson of Beaufort, Walker of Richmond, Walker of Tyrrell and Woodhouse—40.

The following gentlemen voted in the negative:

Messrs. Barnhardt of Caldwell, Bernheardt of Rowan, Bettis, Bizzell, Blythe, Bunn, Candler, Carter, Cary, Crews, Davis of Haywood, Davis of Jackson, Eatman, Erwin, Foote, Freeman, Gaither, Garrison, Good, Green, Griffin, Hughes, Hurley, Jones, Kendall, King, Lloyd, McCubbins, McIver, McRae, Mizell, Mock, Moffitt, Moore, Munden, Newell, Parrott, Proffitt, Scott, Shackelford, Sharpe, Walden, Whisnant, Whitley, Wiley and Young—46.

On the third reading of the bill, Mr. King offered the fol-

lowing amendment:

Amend by striking out all after the word "shall," in section 1, second line, and insert "read one chapter of the Bible or Testament each morning upon opening school, and any teacher refusing or neglecting to comply with the provisions of this section shall forfeit his wages." Also strike out section 2.

Mr. McIver sent forward the following as an amendment to the amendment:

SEC. —. That the Bibles used in the public schools shall be those published by the American Bible Society, or any other publishing house which makes no comments, and any teacher making sectarian comments shall forfeit his wages.

Mr. Fields moved to indefinitely postpone the whole matter. On the call of Mr. Blythe, the yeas and nays were had, and the bill was indefinitely postponed by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Atwater, Barnhardt of Caldwell, Barrett,

Bizzell, Bryan, Bryson, Dortch, Etheridge, Fields, Finger, Foote, Gash, Glenn, Green, Griffin, Gudger, Hanner, Harrison, Hicks, Hooker, Isler, Jessup, Jetton, Johnston, Latta, Martin, McCalop, McIver, Mebane, Mock, Moring, Moseley, Parker, Patton, Pinnix, Presson, Proffitt, Richardson, Smith of Anson, Smith of Hyde, Staples, Staton, Stephenson, Stowe, Thompson of Beaufort, Walker of Richmond, Walker of Tyrrell, Whitley and Woodhouse—50.

The following gentlemen voted in the negative:

Messrs. Bernheardt of Rowan, Bettis, Blythe, Bunn, Carter, Cary, Crews, Davis of Haywood, Davis of Jackson, Eatman, Erwin, Freeman, Gaither, Garrison, Good, Hughes, Hurley, Jones, Kendall, King, Lloyd, McCubbins, McRae, Mizell, Moffitt, Moore, Munden, Newell, Reid, Scott, Shackelford, Sharpe, Walden, Ward, Wheeler, Whisnant, Wiley and Young—38.

H. B. No. 551: A bill to prohibit the sale of spirituous liquors within one half a mile of Cub Creek church, Wilkes county, was taken up, passed its several readings, and was ordered to be engrossed.

H. B. No. 552: A bill to construct a public road from Friendship church, Wilkes county, to Horse Gap, near the top of the Blue Ridge in said county, was taken up.

Mr. Moring moved to indefinitely postpone.

On motion of Mr. Patton, the bill was laid on the table.

H. B. No. 563: A bill to amend chapter 221, laws of 1848-'49, &c., was taken up, and, on motion, laid on the table.

H. B. No. 564: A bill to construct a road from Burnsville to J. D. English's, in Mitchell county, was taken up, and, on motion, laid on the table.

H. B. No. 582: A bill to amend chapter 29, laws of 1870-71, and chapter 36, amendatory thereof, &c., was taken up.

The committee amendments were adopted, and the bill passed its several readings and was ordered to be engrossed.

H. B. No. 600: A bill to amend the act incorporating the Georgia and North Carolina Railroad Company, was taken up,

passed its several readings, and was ordered to be engrossed.

On motion of Mr. Green,

S. B. No. 90, H. B. No. 562: A bill in relation to the Carolina Narrow Gauge Railroad Company, was taken up and made special order for Thursday at 12 M.

H. B. No. 601: A bill to prevent colored children from being bound to white masters and mistresses, was taken up.

Mr. Hanner moved to lay the bill on the table.

On the call of Mr. Bunn, the yeas and nays were had, and the House refused to table by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Atwater, Bernheardt of Rowan, Bettis, Bizzell, Bryan, Etheridge, Finger, Foote, Freeman, Gaither, Green, Gudger, Hanner, Haymore, Holt, Hooker, Johnston, Latta, Martin, McCalop, McRae, Mebane, Mizell, Mock, Moring, Moseley, Page, Patton, Pinnix, Presson, Reid, Richardson, Sharpe, Smith of Anson, Smith of Hyde, Staples, Thompson of Beaufort, Walker of Richmond, Walker of Tyrrell and Young—41.

The following gentlemen voted in the negative:

Messrs. Barnhardt of Caldwell, Barrett, Blythe, Bryson, Bunn, Candler, Carter, Cary, Crews, Davis of Haywood, Davis of Jackson, Dortch, Eatman, Erwin, Fields, Garrison, Gash, Glenn, Good, Harrison, Hicks, Hughes, Hurley, Isler, Jessup, Jetton, Jones, Kendall, King, Lloyd, McCubbins, McIver, Moore, Munden, Newell, Parker, Proffitt, Scott, Staton, Stephenson, Stowe, Strong, Tate, Walden, Wheeler, Whisnant, Whitley, Wiley and Woodhouse—49.

Pending definite action on the bill, the

## SPECIAL ORDER,

H. B. No. 541: A bill in relation to the Western North Carolina Railroad, was announced.

Mr. Candler offered as a substitute for the pending bill, the Senate bill amendatory of the charter of the North Carolina Railroad Company.

Mr. Tate offered the following amendments to the proposed substitute:

"Provided, That all property owned by such consolidated Railroad Company, shall be subject to taxation as other property in this State, any exemption in any charter to the contrary notwithstanding.

"Provided, That the remaining bonded indebtedness of Burke county, created for payment of a subscription to the Western North Carolina Railroad Company shall be assumed by the purchaser of said railroad, and it shall attach to and be a first lien upon said property, and the county commissioners of Burke county are hereby forbid levying further tax for the payment of any further portion of the same."

Mr. Staples offered certain amendments to the substitute, which were read for the information of the House.

Mr. McRae offered the following additional section to the proposed section:

Sec. —: That if the commissioners appointed by this act to sell and dispose of the bonds, shall decline to act, resign or die, the Governor shall appoint a sufficient number of commissioners to fill their places, but no person shall be a commissioner, or director, or a general manager, who has heretofore or may hereafter decline to testify before any committee, legislative or otherwise, or before any court of competent jurisdiction, in regard to any matter touching or growing out of his conduct while President or Director of any Railroad, or while acting in any other public fiduciary capacity, on the ground that if he were to testify he would commit himself, or any kindred on like ground; or who has been convicted of embezzlement; or who has failed to return to the treasury any special tax bonds as required by law; and the bonds shall only be sold in such amounts as shall be needed from time to time, to carry out the provisions of this act, and shall at no time exceed the sum of five hundred thousand dollars, over and above the actual amount due and paid.

Mr. Finger moved to amend the substitute by the addition of the following section:

SECTION —. "That no change of location or operation of said railroad, within Catawba county, shall be made to impair any existing rights of the town of Newton."

Mr. McRae asked leave to withdraw the latter portion of his amendment.

Mr. Gudger moved to adjourn, but withdrew the motion, in order to allow the introduction and disposal of the following:

By Mr. Norment: A petition to prevent the sale of liquor near Philadelphus church, Robeson county. Referred to the Committee on Propositions and Grievances.

By Mr. Staples, (by request): A bill to allow the commissioners of Cabarrus county to levy a special tax, &c.

By Mr. Lloyd: A bill to amend section 8, chapter 136, private laws of 1873-'74. Both of the above bills were referred to the Committee on Propositions and Grievances.

Mr. Wood was announced as being confined to his room by sickness.

On motion, the House adjourned until to-morrow morning at 10 o'clock.

# SIXTY-NINTH DAY.

WEDNESDAY, March 3d, 1875.

The House was called to order at 10 A. M., Mr. Speaker Robinson in the chair.

Prayer by the Rev. Mr. Pritchard, of the city.

The Journal of yesterday was read, corrected and approved.

### INTRODUCTION OF PETITIONS.

By Mr. Tate: A petition from citizens of Asheville in regard to the location of a lunatic asylum.

A petition from citizens of Stanhope, Nash county, addressed to the Speaker of the House, asking that no prohibitory liquor law for that vicinity be passed, was read, and they were both placed upon the calendar.

### REPORTS OF STANDING COMMITTEES.

Mr. Richardson, from the Committee on Corporations, reported favorably on the following bills:

H. B. No. 695: A bill to amend the charter of Elizabeth City, Pasquotank county;

H. B. No. 665: A bill to incorporate Perseverance Council, Friends of Temperance, Fayetteville;

S. B. No. 551, H. B. No. 628: A bill to incorporate the Rutherford Manufacturing Company;

S. B. No. 621, H. B. No. 653: A bill to amend the charter of the North Carolina Mutual Home Insurance Company;

S. B. No. 339, H. B. No. 694: A bill to incorporate Albemarle Lodge, No. 74, Independent Order of Odd Fellows;

S. B. No. 542, H. B. No. 666: A bill to incorporate Whitaker's Mills, Nash county;

H. B. No. 663: A bill to amend the general corporation law.

Mr. Richardson reported that the committee recommended that the bill be referred to the Judiciary Committee, and it was so ordered.

Mr. Barnhardt, of Caldwell, from the Committee on Propositions and Grievances, reported favorably on the following bills:

H. B. No. 739: A bill to authorize the commissioners of Cabarrus county to levy a special tax, &c.;

S. B. No. 667, H. B. No. 701: A bill to protect the fishing interest in Neuse river and Contentnea creek;

H. B. No. 740: A bill to amend section 8, chapter 136, private laws of 1873-'74; and unfavorably on

S. R. No. 217, H. R. No. 183: A resolution asking Congress to extend aid to the Western North Carolina Railroad, &c.

H. B. No. 698: A bill empowering the commissioners of Cherokee county to secure the surveying of entered lands, &c.

Mr. McRae, from the Judiciary Committee, reported unfavorably on

H. B. No. 352: A bill to repeal chapter 7, laws of 1873-774, to incorporate the town of Lumberton, Robeson county; and on

H. B. No. 143: A bill to incorporate the town of Laurenburg, Richmond county.

The following bills and resolutions, reported as correctly enrolled by the Committee on Enrolled Bills, were duly ratified and transmitted to the Senate:

An act to change the time of holding certain courts in the Eleventh Judicial District;

Resolution in favor of Jas. H. Enniss;

Resolution in favor of W. H. Morriss & Co.;

An act to amend chapter 137, section 1, laws of 1873-'74;

An act to amend chapter 184, laws of 1850-51, entitled an act to encourage the raising of sheep in the counties of Watauga and Ashe;

An act to incorporate the town of Morrisville, in the county of Wake;

An act to incorporate the Bank of Durham;

An act to incorporate Graham High School, in the county of Alamance;

An act to incorporate Columbus Lodge, No. 27, I. O. O. F.; An act to secure sufficiency of official bonds; An act to attach so much of Craven county as lies north and east of Adams' creek, to Carteret county;

An act to authorize the county commissioners of Brunswick county to submit to the people of that county the question of changing the county seat;

An act to incorporate the town of Whitaker's, in the counties of Nash and Edgecombe.

The following bills, reported as correctly engrossed by the Committee on Engrossed Bills, were ordered to be transmitted to the Senate for concurrence:

H. B. No. 448: A bill concerning Antioch Camp Ground, in Alleghany county, and to incorporate a board of trustees therefor;

H. B. No. 472: A bill to lay out and construct a public road through the counties of Watauga and Caldwell;

H. B. No. 732: A bill to amend chapter 50, laws of 1868-'69, as brought forward in Battle's Revisal, chapter 16;

H. B. No. 527: A bill for the relief of Mike Woods, of Wayne county;

H. B. No. 418: A bill to locate a county site in the county of Pamlico;

H. B. No. 391: A bill to change the dividing line between Craven and Pamlico counties;

H. B. No. 464: A bill to amend section 1, chapter 250, laws of 1868-'69, as brought forward in section 6, chapter 118, Battle's Revisal;

H. B. No. 620: A bill to authorize the commissioners of Watauga county to re-establish burnt or lost records;

H. B. No. 414: A bill to amend chapter 118, Battle's Revisal;

H. B. No. 385: A bill in relation to the registration of deeds and other papers in certain cases;

H. B. No. 388: A bill for the protection of fisheries;

H. B. No. 507: A bill to allow the citizens of Swain county to pass through the counties of Macon and Jackson without paying toll;

- H. B. No. 482: A bill to lay off and establish a public road in the counties of Wilkes and Alexander;
- H. B. No. 469: A bill in regard to suits by and against the State Treasurer;
  - H. B. No. 554: A bill in relation to estrays;
- H. B. No. 382: A bill to amend chapter 120, section 1, Battle's Revisal;
- H. B. No. 378: A bill to amend chapter 120, section 1, laws of 1871-'72;
- H. B. No. 372: A bill to incorporate the town of Franklinsville, in the county of Randolph;
- H. B. No. 551: A bill to prohibit the sale of spirituous liquors, within one mile of Cub Creek church, in Wilkes county;
- H. B. No. 600: A bill to amend an act to incorporate the Georgia and North Carolina Railroad Company, ratified the 31st day of March, 1871;
- H. B. No. 582: A bill to amend chapter 29, laws of 1870-'71, and chapter 36, amendatory thereof, session of 1873-'74; and
- H. B. No. 553: A bill to establish the City Bank of Wilmington.

### INTRODUCTION OF RESOLUTIONS.

By Mr. Garrison: Resolution in regard to leave of absence. By Mr. Moore: Resolution in regard to the State debt. Both of which were placed on the calendar.

## INTRODUCTION OF BILLS.

By Mr. Atwater: A bill to prevent the sale of spirituous liquors within two miles of Damascus church, Orange county.

By Mr. Mebane: A bill to authorize the commissioners of Rockingham county to issue bonds, &c.

Both of the bills were referred to the Committee on Propositions and Grievances.

A message was received from the Senate transmitting en grossed copies of the following, and asking concurrence therein:

- S. B. No. 689: A bill to amend an act incorporating the town of Gatesville;
- S. B. No. 156: A bill to amend chapter 105, &c., Battle's Revisal, relating to fees of Clerks of Superior Courts;
- S. B. No. 705: A bill concerning the sale of liquor within three miles of Hopkin's chapel, Wake county;
- S. B. No. 451: A bill concerning evidence in cases of fraud, where the State is concerned;
- S. B. No. 191: A bill for the support of the Insane Asylum; Engrossed Senate amendments to S. B. No. 694, H. B. No. 334;
- S. B. No. 729: A bill to amend an act to prevent live stock from running at large in Cabarrus county;
  - S. B. No. 659: A bill to protect terrapins;
- S. B. No. 722: A bill to prohibit the sale of spirituous liquors in certain localities, &c.;
- S. B. 747: A bill to amend an act passed at the present session of the General Assembly, to change the time of holding courts in the third Judicial District;
  - S. B. No. 341: A bill to unite legal estates with uses;
  - H. B. No. 486: A bill concerning Battle's Revisal;

Engrossed amendments to S. B. No. 653, H. B. No. 332, &c.;

- S. B. No. 371: A bill supplemental to an act to incorporate the Elizabeth City and Norfolk Railroad Company;
- S. B. No. 730: A bill to incorporate the North State Transportation Company;
- S. B. No. 693: A bill concerning the sale of liquor on the Island of Ocracoke.

They were read the first time and disposed of as follows:

Senate Bills Nos. 705, 729, 659, 722 and 693 were referred to the Committee on Propositions and Grievances.

Senate Bills Nos. 451, 747, 341 and 486, to the Judiciary Committee;

- S. B. No. 191, was placed on the calendar;
- S. B. No. 689, to the Committee on Counties, Cities &c.;
- S. B. No. 156, to the Committee on Salaries and Fees;
- S. B. No. 371, to the Committee on Internal Improvements; and
  - S. B. No. 730, to the Committee on Corporations.

The Senate amendments to H. B. No. 332, S. B. No. 653 and H. B. No. 334, S. B. No. 694, were, on motion, concurred in, and the bills ordered to be enrolled for ratification.

On motion of Mr. Mendenhall,

H. B. No. 691: A bill in relation to the land scrip fund, was taken up, and made special order for to-morrow at 1 o'clock.

On motion of Mr. Norment, the rules were suspended, and

S. B. No. 552, H. B. No. 536: A bill amendatory of an act to incorporate the town of Shoe Heel, Robeson county, was taken up, passed its several readings, and was ordered to be enrolled for ratification.

Mr. Dula arose to a question of privilege in regard to a printed speech of Mr. Foote.

Mr. Foote also rose to a question of privilege in regard to the same matter.

### SPECIAL ORDER.

S. B. No. 135, H. B. No. 659: A bill in reference to the State debt, was taken up as the special order of the hour.

On motion, the bill was postponed, and made the special order for Thursday at 12 M.

#### UNFINISHED BUSINESS.

H. B. No. 541: A bill in relation to the Western North Carolina Railroad Company, was taken up as the unfinished business of yesterday.

The questioned recurred on Mr. Candler's substitute.

After a long debate, Mr. McRae moved that when the House

adjourn it adjourn to meet again at 7:30 this evening. The motion was put to a vote and adopted.

Mr. Norment moved to adjourn, but withdrew the motion temporarily.

Leave of absence for this evening was granted to Mr. Moring. By consent, Mr. Pinnix introduced a bill to enable the Bureau of Immigration, Statistics and Agriculture to obtain information, &c. Referred to the Committee on Immigration.

By Mr. Walker, of Richmond: A bill to amend chapter 32, section 17, Battle's Revisal. Referred to the Judiciary Committee.

By Mr. Eatman: A Resolution in favor of adjournment. Placed on the calendar.

By Mr. Munden: A resolution in favor of James Lumley and James J. Farris. Referred to the Committee on Claims.

The following gentlemen were announced as being added to the Committee on Engrossed Bills: Messrs. Woodhouse, Parrott, Thompson, of Beaufort, and Hooker.

Messrs. Hicks and Mebane were added to the Committee on Enrolled Bills.

On motion of Mr. Norment, the House adjourned to meet again at half past 7 P. M.

# EVENING SESSION.

Pursuant to adjournment, the House was called to order at 7:30 o'clock, Mr. Speaker Robinson in the chair.

On motion of Mr. McRae, the consideration of the unfinished business of the morning session was postponed until after the expiration of the morning hour to-morrow.

A message was received from the Senate transmitting the following, and asking concurrence therein:

S. B. No. 692: A bill to amend section 1, chapter 52, and section 1, chapter 59, laws of 1873-74;

- S. B. No. 314: A bill to repeal an act incorporating the N. C. Beneficial Association;
- S. B. No. 764: A bill to suspend the operations of the usury law;
- S. B. No. 613: A bill to amend section 11, chapter 53, Battle's Revisal, entitled "Guardians and Wards."

They were read the first time and disposed of as follows:

Senate Bills Nos. 613 and 314 were referred to the Judiciary Committee;

- S. B. No. 746 was placed on the calendar;
- S. B. No. 692, to the Committee on Finance.

Mr. Eatman moved to suspend the rules and take up the resolution on adjournment. The motion was put to a vote and rejected.

On motion of Mr. Patton, the House went into the Committee of the Whole on the machinery bill.

On motion of Mr. Tate, the committee rose and the Chairman reported progress, recommending that the bill, as amended, do pass.

On motion of Mr. Tate, the bill was put on its second reading and passed.

Mr. Tate moved the machinery bill be put on its third reading, and the motion prevailed.

Mr. Blythe offered the following amendment:

On page 9, section 12, insert, in addition to the foregoing, "Each tax-payer shall be entitled to an exemption of wearing apparel, arms for muster, household and kitchen furniture, the mechanical and agricultural implements of mechanics and farmers, libraries and scientific instruments, or any other personal property not exceeding one hundred dollars in value."

Mr. Gudger offered the following amendment to the amendment:

Strike out "one hundred," and insert "fifty," with the following: "Provided, The party asking said exemption shall make affidavit to the true value of the same."

Mr. Blythe demandad the yeas and nays on his amendment.

Mr. Tate demanded the previous question on the passage of the bill, and the call was sustained, and the main question was ordered.

Mr. Gash gave notice of an amendment.

The question was put on the amendment to the amendment of Mr. Blythe, and it was lost.

The question then recurred on the amendment of Mr. Blythe. The call for the yeas and nays was not sustained, and, on a division, the amendment was lost.

Mr. Gash sent up his amendment, as follows:

Amend section 37, line 19, by striking out "twenty-five cents," and insert "the fee allowed by law."

The question was put, and the amendment was lost.

Amendments offered by Mr. Staples, embracing typographical errors, were accepted, and the bill then passed its third reading.

Mr. Tate gave notice of a motion to reconsider.

The calendar was taken up, and

H. B. No. 622: A bill concerning the charter of Tarboro', was taken up on its second reading.

Mr. Staton called the previous question on the passage of the bill on its second reading, and the bill was put on its second reading and passed.

On motion, the House adjourned until to-morrow morning, at 10:30 o'clock.

# SEVENTIETH DAY.

THURSDAY, March 4th, 1875.

The House was called to order at 10 A. M., Mr. Speaker Robinson in the chair.

The reading of the Journal of yesterday was dispensed with.

### INTRODUCTION OF PETITIONS.

By Mr. Shackelford: A petition from citizens of Onslow county in relation to Right's Island Fishery. Referred to the Committee on Propositions and Grievances.

By Mr. Pinnix: Two petitions from citizens of Camden and Pasquotank counties, asking for turnpike roads in their respective counties. Both of which were referred to the Committee on Railroads, Post Roads, &c.

### REPORTS OF STANDING COMMITTEES.

Mr. McRae, from the Judiciary Committee, reported favorably on the following bills:

- S. B. No. 341, H. B. No. 742: A bill to unite legal estates with uses;
- S. B. No. 451, H. B. No. 744: A bill concerning evidence in cases of fraud where the State is concerned;
- S. B. No. 340, H. B. No. 712: A bill to cure defects in certain judicial proceedings arising from mistake of jurisdiction and other causes;
- H. B. No. 735: A bill to amend chapter 45, section 8, laws of 1872-73, &c.
- Mr. Tate, from the Committee on Finance, reported that the Committee had considered
- H. R. No. 144: A resolution in regard to banks, &c., and after inquiring, find that there is but little or no prospect of realizing anything from the stock.
- Mr. Staton, from the Committee on Counties, Cities, &c., reported favorably on
- S. B. No. 689, H. B. No. 755: A bill to amend an act incorporating the town of Gatesville.
- Mr. Staples, from the Committee on Corporations, reported favorably, with amendment, on
- H. B. No. 583: A bill amending an act to incorporate the National Loan and Trust Company.

Mr. Carson, from the Committee on Mechanics, Mining, &c., reported favorably on

S. B. No. 601, H. B. No. 625: A bill providing for a fence law in the counties of Union and Anson.

Mr. Walker, of Richmond, from the Judiciary Committee, reported favorably, with amendment, on

H. B. No. 725: A bill in relation to costs in State cases.

Mr. Richardson, from the Committee on Corporations, reported favorably, with amendment, on

H. B. No. 736: A bill to incorporate the Atlantic Iron and Steel Company.

The following bills, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the Senate:

An act to secure the insurance of public buildings in Lincoln county;

An act to incorporate the Widows' and Orphans' Benefit Society, North Carolina Conference, M. E. Church, South.

### INTRODUCTION OF RESOLUTIONS.

By Mr. Hanner: A resolution in favor of the Joint Committee locating an insane asylum. The resolution was placed on the calendar.

### INTRODUCTION OF BILLS.

The following bills were introduced and referred to the Committee on Corporations:

By Mr. Mebane: A bill to incorporate the Dan River Navigation Company;

By Mr. McRae: A bill to incorporate the Clarendon Gas Light Company;

By Mr. Richardson: A bill to incorporate the Wilmington Ice Company;

By Mr. Pinnix: A bill to establish a turnpike road in Cam-

den county. Referred to the Committee on Railroads, Post Roads and Turnpikes.

By Mr. Green: A bill supplemental to the act changing the times of holding courts in the Eleventh Judiclal District. Placed on the calendar.

The unfinished business of yesterday, being

H. B. No. 541: A bill in relation to the Western North Carolina Railroad, was resumed.

Mr. Candler moved that the farther consideration of the bill be postponed until Saturday, and made the special order for that day at 12 o'clock, and that the substitute offered by him be printed and laid upon the desks of the members.

Mr. Tate sent forward the following amendment: Amend section 6, line 7, after "that" strike out "one half of."

The question was put on the motion of Mr. Candler, and, on a division, it was lost.

The question was then put on the amendment of Mr. Tate, and it was adopted.

The Speaker announced the arrival of the first special order, being

S. B. No. 90, H. B. No. 562: A bill to amend an act entitled an act to charter the Carolina Narrow Gauge Railroad ratified February 8th, 1872.

On motion, the present consideration of the bill was postponed.

The second special order, being

H. B. No. 135: A bill concerning corporations, was announced and postponed until the conclusion of the business now before the House.

Mr. Candler moved to withdraw the substitute offered by him, to be afterwards introduced as an independent proposition, but objection was made, and the question recurred upon the substitute.

Mr. Tate moved to strike out "ten years" and insert "fifteen years."

Mr. Tate called the previous question.

Mr. Wheeler gave notice of an amendment.

Mr. Bryson gave notice of an amendment.

Mr. Tate withdrew the call of the previous question, to allow Mr. Candler to withdraw his amendment.

The amendment was withdrawn, and the following amendment to the original bill was offered by Mr. Bryson and accepted:

"Provided, That the State of North Carolina shall, in all meetings of the stockholders, have a voice equal to the amount of the stock assigned to the State by the provisions of this act."

Mr. Wheeler offered the following amendment, which was accepted: Amend section 3 by adding the following:

"Provided, That no person shall be appointed commissioner who has been connected with any fraudulent transaction in connection with any of the railroads or other public works of this State."

The main question was then ordered, and the bill was put on its third reading.

Mr. Munden called the yeas and nays. The call was sustained, and the bill passed by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Barnhardt of Caldwell, Barrett, Bettis, Bizzell, Blythe, Bryan, Bryson, Candler, Davis of Haywood, Davis of Jackson, Dortch, Erwin, Finger, Foote, Freeman, Gaither, Garrison, Gash, Glenn, Green, Hanner, Harrison, Hicks, Hurley, Isler, Jessup, Johnston, Jones, King, Martin, McCalop, McCubbins, McIver, McNeill, McRae, Mebane, Mendenhall, Mitchell, Mizell, Mock, Moffitt, Moring Moseley, Newell, Norment, Oaksmith, Page, Patton, Pinnix, Presson, Proffitt, Reid, Richardson, Shackelford, Sharpe, Smith of Anson, Smith of Hyde, Spears, Staton, Tate, Thompson of Beau-

fort, Walker of Richmond, Whisnant, Whitley, Wiley, Woodhouse and Young-68.

The following gentlemen voted in the negative:

Messrs. Atwater, Bernheardt of Rowan, Boyd, Brewington, Bunn, Carson, Carter, Crews, Dula, Eatman, Etheridge, Fields, Godwin, Good, Griffin, Gudger, Haymore, Hughes, Jetton, Kendall, Latta, Lloyd, Moore, Munden, Parker, Staples, Stowe, Stephenson, Strong, Walker of Tyrrell, Ward, Wheeler, White and Wood—34.

Mr. Tate moved to reconsider the vote by which the bill passed its third reading, and to lay that motion on the table; and the motion to table prevailed.

By consent, Mr. Thompson, of Beaufort, introduced a bill to incorporate the town of Yeatesville, in the county of Beaufort, which was referred to the Committee on Corporations.

Mr. Gudger, by consent, made a report from the Committee on Propositions and Grievances, that certain bills, in addition to others previously reported, had been included by the committee in the general omnibus bill of prohibition.

## THE SPECIAL ORDER,

S. B. No. 90, H. B. No. 562: A bill to amend an act to charter the Carolina Narrow Gauge Railroad, ratified February 18th, 1872, was announced.

Pending discussion, the second special order, being

H. B. No. 691: A bill in relation to the land scrip fund, for the establishment of colleges for the benefit of agriculture and the mechanic arts, was announced, and, on motion, its consideration was postponed until the business before the House was disposed of.

H. B. No. 90, was again taken up. The amendments proposed by the committee were read and rejected.

Mr. Finger offered the following amendment. Amend by adding at the close of section 1, the following:

"Provided further, That nothing in this act shall be held to impair obligations of any contract or agreement made in accordance with the provisions of the act ratified 22d day of February, 1873, providing for the consolidation."

The question was on the amendment of Mr. Finger.

On the passage of the bill, Mr. McRae demanded the previous question, and the call was sustained.

The question was put on Mr. Finger's amendment, and it was rejected; and the bill was then put on its several readings and passed, and was ordered to be enrolled for ratification.

A message from the Senate was announced, transmitting

S. B. No. 92: A bill for the improvement and reclamation of certain swamp lands in New Hanover and other counties; and engrossed Senate amendments to

H. B. No. 439, S. B. No. 243: A bill to amend the charter of the city of Greensbo'.

S. B. No. 92, was read the first time, and referred to the Committee on Education, and ordered to be printed; and the question was then put on the concurrence of the House in the Senate amendments to H. B. No. 439; and,

On motion of Mr. Staples, they were concurred in, and the bill put on its second reading, and passed by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Atwater, Barnhardt of Caldwell, Bernheardt of Rowan, Barrett, Bettis, Bizzell, Brewington, Bryan, Bryson, Bunn, Candler, Carson, Carter, Davis of Haywood, Davis of Jackson, Dortch, Dula, Eatman, Erwin, Etheridge, Fields, Finger, Freeman, Gaither, Garrison, Gash, Godwin, Good, Green, Griffin, Gudger, Hanner, Harrison, Haymore, Hooker, Hurley, Isler, Jessup, Jetton, Johnston, Jones, Kendall, King, Latta, Lloyd, Martin, McCalop, McCubbins, McIver, McNeill, McRae, Mebane, Mendenhall, Mitchell, Mizell, Mock, Moffitt, Moring, Moseley, Munden, Newell, Norment, Oaksmith, Page, Patton, Pinnix, Presson, Richardson, Sharpe, Smith of Anson, Smith of Hyde, Spears, Staples, Staton, Ste-

phenson, Strong, Tate, Thompson of Beaufort, Walden, Walker of Richmond, Walker of Tyrrell, Ward, Wheeler, Whisnant, White, Whitley, Wiley, Wood, Woodhouse and Young—97.

Mr. Moore voted in the negative.

By consent, Mr. Mebane introduced a bill declaring a portion of Haw river, in Rockingham county, a lawful fence, which was referred to the Committee on Propositions and Grievances.

By consent, Mr. Kendall introduced a bill to validate certain marriages in the county of Randolph, which was referred to the Committee on Judiciary.

Leave of absence was granted to Mr. Isler, from to-day until Monday, on account of important private business.

On motion of Mr. Pinnix, H. B. No. 135, in relation to corporations, was made special order for to morrow at 12 o'clock.

On motion of Mr. Staton, a bill in relation to amendment of the charter of Tarboro, was made special order for to-morrow at 11 o'clock.

On motion of Mr. McIver, the rules were suspended to take up H. B. No. 763: A bill supplemental to an act to change the time of holding the courts in the 11th Judicial District, and the bill was passed, and ordered to be sent to the Senate without engrossment.

On motion of Mr. Strong, the rules were suspended, and S. R. No. 611: Resolution in relation to the funeral expenses of the late Governor Tod R. Caldwell, was taken up, but pending its consideration, the House yielded to a motion to adjourn, and adjourned until to-morrow at 10 o'clock.

# SEVENTY-FIRST DAY.

FRIDAY, March 5th, 1875.

The House was called to order at 10 A. M., Mr. Speaker Robinson in the chair.

Prayer by the Rev. Mr. Mangum, of the city.

The Journal of yesterday was read and approved.

# INTRODUCTION OF PETITIONS, &C.

By Mr. McIver: A petition from citizens of Moore county, asking a repeal of the prohibitory liquor law at Carthage in that county. Placed on the calendar.

By Mr. Erwin: A petition from citizens of Marion, Mc-Dowell county, asking that the act incorporating that town be not repealed or amended. Referred to the Committee on Propositions and Grievances.

By Mr. Young: A petition from citizens of Yancey county, in reference to the dividing line between that county and Mitchell county. Referred to the Committee on Counties, Cities, &c.

### REPORTS OF STANDING COMMITTEES.

Mr. McRae from the Judiciary Committee, reported favorably on the following bills:

H. B. No. 611: A bill to restore, re-enact and amend chapter 40, Revised Code, entitled "Draining and Damming Low Lands," &c;

H. B. No. 757: A bill to amend chapter 32, section 17, Battle's Revisal;

S. B. No. 613, H. B. No. 760: A bill to amend section 11, chapter 53, Battle's Revisal, entitled "Guardians and Wards."

Mr. Walker, of Richmond, from the same committee, reported on the following, recommending substitutes therefor:

- S. B. No. 305, H. B. No. 714: A bill to amend chapter 17, Battle's Revisal, title 2, Code of Civil Procedure;
- H. B. No. 336: A bill for the relief of certain officers in Watauga county;
- H. B. No. 777: A bill to amend section 343, chapter 17, Battle's Revisal; and favorably, with amendment, on
- S. B. No. 429, H. B. No. 578: A bill to amend chapter 64, Battle's Revisal.
- Mr. Barnhardt, of Caldwell, from the Committee on Propositions and Grievances, reported favorably on the following:
- H. B. No. 751: A bill to authorize the Commissioners of Rockingham county to levy a special tax, &c;
- S. B. No. 722, H. B. No. 747: A bill to prohibit the sale of spirituous liquors in certain localities, &c.;
- S. B. No. 729, H. B. No. 746: A bill to amend an act to prevent live stock from running at large in Cabarrus and other counties, &c.;
- H. B. No. 770: A bill declaring a portion of Haw river, in Rockingham county, a lawful fence;
- S. B. No. 448, H. B. No. 615: A bill to eucourage the manufacture of domestic wines in this State;
- S. B. No. 693, H. B. No. 745: A bill concerning the sale of ardent spirits on the island of Ocracoke, with amendments; and unfavorably on
- S. B. No. 659, H. B. No. 748: A bill to protect terrapins.

  Mr. Mendenhall, from the Committee on Education, reported favorably on the following bills:
- S. B. No. 663, H. B. No. 718: A bill amendatory of an act in favor of certain officers and tax-payers of North Carolina;
- S. B. No. 626, H. B. No. 646: A bill to incorporate the Ashpole Educational Company.
- Mr. Woodhouse, from the Committee on Railroads, Post Roads, &c., reported favorably on
- S. B. No. 678, H. B. No. 731: A bill to incorporate the Wilmington and Coast Turnpike Company; and unfavorably on

S. B. No. 533, H. B. No. 717: A bill to construct a public road from E. D. Greer's store to Jefferson, Ashe county.

Mr. Richardson, from the Committee on Corporations, reported favorably on the following:

H. B. No. 664: A bill to amend section 1, chapter 14, private laws of 1871-72;

H. B. No. 765: A bill to incorporate the Wilmington Ice Company; and favorably, with amendment, on

H. B. No. 599: A bill to incorporate the town of Woodville, Perquimans county; and

S. B. No. 730, H. B. No. 752: A bill to incorporate the North State Transportation Company.

Mr. Moseley, from the Committee on Salaries and Fees, reported favorably on the following:

S. B. No. 156, H. B. No. 754: A bill to amend chapter 105, section 28, sub division 37, Battle's Revisal, &c.;

H. R. No. 131: A resolution in favor of Louis Hilliard and Thomas J. Wilson; and unfavorably on

H. B. No. 737: A bill to amend chapter 105, Battle's Revisal.

Mr. McRae, from the Judiciary Committee, reported on

S. B. No. 49, H. B. No. 249: A bill to require justices of the peace to give bond. The majority of the committee recommended the passage of the original bill, while the minority of the committee recommended the adoption of the pending substitute.

Mr. Shackelford, from the Committee on Engrossed Bills, reported the following as correctly engrossed, and they were ordered to be transmitted to the Senate for concurrence:

H. B. No. 641: A bill in relation to the Western North Carolina Railroad;

H. B. No. 763: A bill supplemental to an act to change the time of holding certain courts in the 11th Judicial District.

The following bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the Senate:

Resolution in relation to the salary of Judge McKay, for the 4th District, 1874;

An act to amend chapter 121, private laws of 1873-'74;

An act to change the line of Pamlico county;

An act to amend chapter 71, section 6, of the private laws of 1873-74.

### INTRODUCTION OF RESOLUTIONS.

By Mr. Godwin: A resolution re-seating J. Williams Thorne, the expelled member from Warren county. Placed on the calendar.

By Mr. Pinnix: A resolution in relation to the National Centennial. Placed on the calendar.

By Mr. Walker, of Richmond: A resolution in favor of J. C. Gorman, Adjutant General. Referred to the Committee on Claims.

### INTRODUCTION OF BILLS.

By Mr. Young: A bill to amend the line between the counties of Mitchell and Yancey. Efferred to the Committee on Counties, Cities, &c.

By Mr. Tate: A bill to vest lands purchased by the State for taxes in the trustees of the University. Referred to the Judiciary Committee.

Mr. Staples, in behalf of the Joint Committee on Insane Asylum: A bill to provide for the erection of a new kitchen and store house room at the asylum. The bill was placed on the calendar.

Mr. Walker, of Richmond, in behalf of the Judiciary Committee: A bill to punish the fraudulent use of brands. Placed on the calendar.

Mr. Gudger, in behalf of the Committee on Propositions and Grievances: A bill to prevent the netting of birds in Forsythe county.

Mr. Mendenhall moved to reconsider the vote by which S. B. No. 90, H. B. No. 562: A bill in relation to the Caro-

lina Narrow Gauge Railroad, passed its third reading.

Mr. Barnhardt, of Caldwell, moved to lay that motion on the table. The motion to table was rejected, and the motion to reconsider prevailed.

Mr. Finger moved to amend by striking out \$40,000 and inserting \$30,000. The amendment was adopted, and the bill then passed its third reading, and was ordered to be sent to the Senate for concurrence in the amendment.

Mr. Finger moved to reconsider the vote by which the bill passed, and to lay that motion on the table, and the motion to table prevailed.

Messrs. Oaksmith, Staples and Gudger rose to questions of personal privilege in regard to words spoken in debate on yesterday.

A message was received from his Excellency, the Governor, transmitting a communication from the Directors of the National Centennial Association.

On motion, the message and accompanying document was transmitted to the Senate with a proposition to print.

A message was received from the Senate transmitting the following, and asking concurrence therein:

S. B. No. 761: A bill to authorize the commissioners of Hertford county to issue honds, &c.;

S. B. No. 578: A bill to incorporate Eno Grange, No. 134, Patrons of Husbandry;

S. B. No. 773: A bill to charter the Fifth Ward Bucket Company;

S. B. No. 766: A bill to authorize the commissioners of Franklin county to levy a special tax;

S. R. No. 794: A resolution in relation to the Board of Public Charities.

They were read the first time and disposed of, as follows:

S. B. No. 761 was referred to the Committee on Finance;

S. B. No. 773, to the Committee on Corporations;

S. B. No. 578, to the same committee;

S. B. No. 766, to the Finance Committee;

S. R. No. 794 was placed on the calendar.

The unfinished business of yesterday was taken up, being

S. R. No. 611: A resolution in relation to the funeral expenses of the late Governor Tod R. Caldwell, and, on motion, it was referred to the Committee on Finance.

The special order, being

H. B. No. 691: A bill in relation to the land scrip fund, &c., was announced.

Mr. Tate offered the following amendment:

"Provided, That nothing herein contained shall be construed as a recognition in any manner of bonds commonly known as 'special tax bonds,' which the General Assembly hereby declares to be fraudulent and void, and in no manner binding on the State."

Mr. Eatman submitted the following proviso:

"That any and all officers or superintendents of said University into whose hands any money appropriated by the State for the support of said University, shall be required to give a good and sufficient bond for the faithful and honest application of said money to the good and appropriate use of said University: Provided further, That said bond or bonds shall be registered in the office of Register of Deeds for Wake county."

Mr. Hanner offered an amendment, which was read for the information of the House.

Pending the discussion of the bill, the special order,

S. B. No. 135: A bill for the settlement of the State debt, was announced.

Mr. Strong moved to suspend the consideration of the special order until the business before the House was concluded.

Mr. Staples moved that when the House adjourn, it adjourn till 7:30 this evening.

Mr. McRae moved to amend the motion by making it 3:30, and the amendment was accepted, and the motion, as amended, was adopted.

By consent, Mr. Pinnix introduced a resolution in regard to the Centennial, which was placed on the calendar.

On motion of Mr. Pinnix,

H. B. No. 135: A bill concerning corporations, was made the special order for 12 o'clock to-morrow.

On motion of Mr. Moore,

H. R. No. 190: A resolution in regard to the State debt, was withdrawn from the calendar.

The discussion of S. B. No. 135, was resumed and continued.

A message from the Senate was announced, transmitting S. R. No. 832: Resolution in relation to pardons.

On motion of Mr. Robinson, the rules were suspended, and the resolution was put on its several readings and passed, and was ordered to be enrolled for ratification.

Leave of absence was granted to Mr. Mitchell on account of sickness in his family; and to Mr. Parrott, until Monday, on account of important private business.

# AFTERNOON SESSION.

FRIDAY, March 5th, 1875.

The House met at 3:30 o'clock, Mr. Speaker Robinson in the chair.

The unfinished business of the morning was taken up, being H. B. No. 135: The bill for the adjustment, commutation and settlement of the State debt.

After a brief discussion, on motion of Mr. Patton, the farther consideration of the bill was postponed, to be taken up to-morrow as unfinished business, at the expiration of the morning hour.

The calendar was taken up:

H. R. No. 180: Resolution in favor of Jas. H. Enniss, was taken up and put on its several readings, and passed and was ordered to be engrossed and sent to the Senate.

H. R. No. 166: Resolution in relation to the Albemarle and Chesapeake Canal, was taken up.

Mr. Woodhouse offered a substitute for the resolution, and moved that both the original and the substitute be referred to the Committee on Internal Improvements, and it was so ordered by the House.

Mr. Eatman moved to suspend the rules to take up a resolution introduced by him in regard to adjournment, and upon his motion to suspend the rules, demanded the yeas and nays.

The call was not sustained, and on a division, the House refused to suspend the rules.

Leave of absence was granted to Mr. Kendall until Wednesday, on account of important private business.

Mr. Walker moved to suspend the rules in order that H. B. No. 611: A bill in relation to the land scrip fund, be made the special order for Tuesday next at 11 o'clock. The rules were suspended, and it was so ordered.

H. B. No. 577: A bill to allow the mayor and commissioners of the town of Fayetteville to issue new bonds in exchange for bonds issued by said mayor and commissioners in payment of subscription for stock in the Western Railroad Company, was put on its third reading, and passed by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Atwater, Barnett, Barnhardt of Caldwell, Bernheardt of Rowan, Bettis, Bizzell, Blythe, Brewington, Bryan, Bryson, Candler, Carson, Carter, Crews, Davis of Haywood, Davis of Jackson, Dortch, Dula, Eatman, Erwin, Etheridge, Fields, Finger, Foote, Freeman, Gaither, Garrison, Gash, Glenn, Good, Green, Griffin, Gudger, Hanner, Harrison, Haymore, Hicks, Holt, Hughes, Hurley, Jessup, Jetton, Johnston, King, Latta, Lloyd, McCubbins, McIver, McNeill, McRae, Mendenhall, Mizell, Mock, Moffitt, Moring, Moseley, Munden,

Newell, Norment, Page, Parker, Patton, Pinnix, Presson, Proffitt, Richardson, Shackelford, Sharpe, Smith of Anson, Smith of Hyde, Spears, Staples, Tate, Walker of Richmond, Walker of Tyrrell, Ward, Wheeler, Whisnant, White, Whitley, Wiley, Wood, Woodhouse and Young—85.

The following gentlemen voted in the negative:

Messrs. Bunn, Jones and Moore-3.

H. B. No. 359: A bill to lay off and establish a public road in the counties of Davie and Wilkes, was taken up on its third reading and passed, and was ordered to be engrossed and sent to the Senate.

S. B. No 408: A bill to allow the commissioners of Bladen county to levy a special tax, was taken up on its third reading, and passed by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Atwater, Barnett, Barnhardt of Caldwell, Bernheardt of Rowan, Bettis, Bizzell, Blythe, Brewington, Bryan, Bryson, Bunn, Candler, Carson, Carter, Cary, Crews, Davis of Haywood, Davis of Jackson, Dortch, Dula, Eatman, Elliott, Erwin, Etheridge, Fields, Freeman, Gaither, Garrison, Gash, Glenn, Good, Green, Griffin, Gudger, Hanner, Harrison, Haymore, Hicks, Holt, Hughes, Hurley, Jessup, Jetton, Johnston, Jones, King, Latta, Lloyd, McCalop, McCubbins, McIver, McNeill, McRae, Mebane, Mendenhall, Mizell, Mock, Moffitt, Moring, Moseley, Munden, Newell, Norment, Page, Parker, Patton, Pinnix, Presson, Proffitt, Richardson, Shackelford, Sharpe, Smith of Hyde, Spears, Staples, Tate, Walden, Walker of Richmond, Walker of Tyrrell, Ward, Whisnant, White, Whitley, Wiley, Wood, Woodhouse and Young—88.

Negative-None.

H. B. No. 401: A bill for the better protection of churches, was taken up.

Mr. Norment moved to lay the bill on the table.

Mr. Crews demanded the yeas and nays.

The call was not sustained, and the motion to table was lost for the want of quorum voting.

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Mr. Davis, of Haywood, moved to amend by providing that the provisions of the bill shall apply to the counties of Granville and Montgomery.

Mr. McIver moved to table.

Mr. Crews on this motion demanded the yeas and nays.

The call was not sustained.

The motion to table was carried.

H. B. No. 524: A bill to amend the charter of the town of Winston, &c., was taken up on its third reading, and passed by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Atwater, Barnett, Barnhardt of Caldwell, Bernheardt of Rowan, Bettis, Bizzell, Blythe, Brewington, Bryan, Bryson, Bunn, Candler, Carson, Carter, Cary, Davis of Haywood, Davis of Jackson, Dortch, Dula, Eatman, Erwin, Etheridge, Fields, Finger, Foote, Freeman, Gaither, Garrison, Gash, Glenn, Good, Green, Griffin, Gudger, Hanner, Harrison, Haymore, Hicks, Hurley, Jessup, Jetton, Johnston, Jones, King, Latta, Lloyd, McCalop, McCubbins, McIver, McNeill, McRae, Mebane, Mendenhall, Mock, Moffitt, Moring, Moseley, Newell, Norment, Page, Parker, Patton, Pinnix, Presson, Proffitt, Richardson, Sharpe, Smith of Hyde, Spears, Staples, Tate, Walden, Walker of Richmond, Walker of Tyrrell, Ward, Whisnant, White, Whitley, Wiley, Wood, Woodhouse and Young-84.

Negative none.

H. B. No. 703: A bill to authorize the mayor and commissioners of Elizabeth City to levy a special tax, was taken up on its third reading, and passed by the following vote, and was ordered to be sent to the Senate without engrossment:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Atwater, Barnett, Barnhardt of Caldwell, Bernheardt of Rowan, Bettis, Bizzell, Blythe, Boyd, Brewington, Bryan, Bryson, Candler, Carson, Cary, Crews, Davis of Haywood, Dortch, Eatman, Erwin, Etheridge, Fields, Finger, Foote, Freeman, Gaither, Garrison, Gash, Glenn, Good, Green, Griffin, Gudger, Hanner, Harrison, Haymore, Hicks, Holt, Hughes, Hurley, Jessup, Jetton, Johnston, Jones, King, Latta, Lloyd, McCalop, McCubbins, McIver, McNeill, McRae, Mebane, Mendenhall, Mizell, Mock, Moffitt, Moring, Moseley, Munden, Newell, Page, Parker, Patton, Pinnix, Presson, Proffitt, Richardson, Sharpe, Smith of Hyde, Spears, Staples, Stowe, Tate, Walden, Walker of Richmond, Walker of Tyrrell, Ward, Whisnant, White, Whitley, Wiley, Wood, Woodhouse and Young—85.

Mr. Bunn voted in the negative.

H. R. No. 188: Resolution in favor of the witnesses of J. Williams Thorne, was put on its several readings, and passed, and was ordered to be engrossed and sent to the Senate.

H. R. No. 194: Resolution in favor of the Joint Committee on locating an Insane Asylum, was taken up.

Mr. Bettis moved to amend by allowing no more than actual expenses incurred during their absence. The amendment was adopted.

Mr. Bunn moved to lay the whole matter on the table. The motion was rejected.

On motion of Mr. Boyd, the matter was referred to the Committee on Claims.

Mr. Gudger announced that he was in receipt of a letter announcing the death of R. H. Ballard, Esq., member of this House from Gates county.

Mr. Gudger moved that the chair appoint a committee of five to draft resolutions expressive of the regret of the House in its loss.

The motion was adopted, and the chair appointed Messrs. Gudger, Staples, Dula, Glenn and Woodhouse as said committee.

On motion of Mr. Eatman, the House adjourned until tomorrow at 10 A. M.

# SEVENTY-SECOND DAY.

SATURDAY, March 6th, 1875.

The House was called to order at 10 A. M., Mr. Speaker Robinson in the chair.

On motion, the reading of the Journal of yesterday was dispensed with.

# INTRODUCTION OF PETITIONS, &C.

By Mr. Richardson: A petition from citizens of Cero Gordo, Columbus county. The petition was referred to the Committee on Corporations.

### REPORTS OF STANDING COMMITTEES.

Mr. Tate, from the Finance Committee, reported on

H. B. No. 390: A bill to amend the charter of the North Carolina Railroad Company, and to provide for the transfer of the State's stock therein, recommended that the provisions of this bill be incorporated with those of H. B. No. 688, on the same subject, if not inconsistent therewith; and begged to be discharged from the further consideration of

H. R. No. 155: A resolution in favor of Thomas Carver, of Graham county.

Mr. Shackelford, from the Committee on Engrossed Bills, reported the following bills and resolutions as correctly engrossed, and they were sent to the Senate for concurrence of that body:

H. R. No. 188: A resolution in favor of the witnesses in the matter of J. Williams Thorne;

H. B. No. 577: A bill to enable the mayor and commissioners of the town of Fayetteville to issue new bonds in exchange for bonds issued by said mayor and commissioners in

payment of subscription for stock in the Western Railroad Company;

H. B. No. 408: A bill to allow the commissioners of Bladen county to levy a special tax;

H.B. No. 359: A bill to amend an act to lay off and establish a public road in the counties of Davie and Davidson; and

H. R. No. 180: A resolution in favor of James H. Enniss.

Mr. Finger, from the Committee on Enrolled Bills, reported the following bills as correctly enrolled, and they were duly ratified by the Speaker of this House, and sent to the Senate to be ratified by the President of that body:

An act to authorize the board of commissioners of Stanly county to subscribe to the capital stock of the Yadkin Railroad Company;

Mr. Shackelford submitted an additional report, that

H. B. No. 547: A bill to provide for the collection of taxes by the State, &c., known as the Machinery act, was correctly engrossed, and it was transmitted to the Senate for concurrence of that body.

#### INTRODUCTION OF RESOLUTIONS.

By Mr. Moring: A resolution to change the rules of the House.

By Mr. Staples: A resolution appointing a select committee. Both of the resolutions were placed on the calendar.

#### INTRODUCTION OF BILLS.

The following were introduced and referred to the Committee on Corporations:

By Mr. McIver: A bill to extend the corporate limits of the town of Carthage, Moore county;

By Mr. Richardson: A bill to amend the charter of the town of Cero Gordo, Columbus county;

By Mr. McIver: A bill to amend section 1, chapter 171, laws of 1872-'73, &c.;

By Mr. Reid: A bill to promote the agricultural interest of the State. Referred to the Committee on Agriculture.

Messrs. Staples, Hughes, Glenn and Wheeler rose to questions of personal privilege.

On motion of Mr. Stephenson, the use of this hall for tomorrow was granted to Rev. Mr. Burch for holding divine service.

On motion of Mr. Gudger the omnibus local prohibitory liquor bill was taken up, and made special order for Wednesday at 12 M.

The unfinished business of yesterday, the Senate bill to settle the State debt, was announced.

On motion of Mr. Staples, the present consideration of the unfinished business was postponed, and

S. B. No. 191, H. B. No. 756: A bill for the support of the Insane Asylum of North Carolina, was taken up.

After a long debate the bill was, on motion of Mr. Mebane, postponed and made special order for Tuesday evening at 7:30 o'clock.

A message was received from the Senate, transmitting the following:

S. B. No. 816: A bill to authorize the commissioners of Washington county to levy a special tax, &c.;

H. B. No. 660: A bill to incorporate the Snow Hill Branch Railroad;

S. B. No. 532: A bill to prevent transferring real estate in certain cases;

Engrossed Senate amendments to S. B. No. 408, H. B. No. 533: A bill to establish the City Bank of Wilmington.

They were read the first time and disposed of as follows:

S. B. No. 660, was referred to the Committee on Internal Improvements;

S. B. 532, to the Judiciary Committee;

The Senate amendments to S. B. No. 408, H. B. No. 533,

were concurred in, and the bill was ordered to be enrolled for ratification.

### THE FIRST SPECIAL ORDER.

H. B. No. 22: A bill in relation to the militia of the State, was taken up.

On motion of Mr. Mebane, the bill was postponed and made special order for Monday next at 1 P. M.

# THE SECOND SPECIAL ORDER,

H. B. No. 135: A bill concerning corporations, was taken up. On motion, the bill was postponed and made special order for Monday at 11 A. M.

### UNFINISHED BUSINESS.

S. B. No. 135, H. B. No. 659: A bill to settle, commute and compromise the State debt, was taken up.

Mr. McRae offered the following amendment:

Amend section 1, lines 42 and 43, by striking out the words "and Williamston and Tarboro' Railroad Company" wherever they occur.

Mr. Mendenhall offered the following amendment:

Amend line 5, section 4, by inserting after the word "Treasurer" the words "with the sanction of the Governor and Treasurer."

The question was on Mr. McRae's amendment, and it was adopted.

And then on Mr. Mendenhall's amendment, and it was adopted.

The question then recurred on the passage of the bill on its second reading, and it passed by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Atwater, Barnett, Barnhardt of Caldwell, Bernheardt of Rowan, Barrett, Bettis, Blythe, Bryan, Bryson, Candler, Cary, Davis of Haywood, Davis of Jackson, Dortch, Eatman, Elliott, Erwin, Etheridge, Finger, Freeman, Gaither, Garrison, Gash, Glenn, Green, Griffin, Gudger, Hanner, Harrison, Haymore, Hicks, Hurley, Jessup, Johnston, King, Latta, Martin, McCalop, McCubbins, McIver, McNeill, McRae, Mebane, Mendenhall, Mizell, Mock, Moffitt, Moring, Moseley, Munden, Newell, Page, Parker, Patton, Pinnix, Presson, Proffitt, Reid, Richardson, Shackelford, Sharpe, Smith of Anson, Smith of Hyde, Spears, Staples, Staton, Stephenson, Stowe, Tate, Walker of Richmond, Walker of Tyrrell, Ward, Whitley, Wiley, wood, Woodhouse and Young—78.

The following gentlemen voted in the negative:

Messrs. Bizzell, Brewington, Bunn, Carson, Crews, Fields, Foote, Good, Hill, Hughes, Jones, Lloyd, Norment, Scott, Walden, Wheeler, Whisnant and White—18.

On motion of Mr. Tate, the rules were suspended, and the bill was made the special order for Wednesday next at 12 o'clock.

By consent, Mr. Mebane introduced a bill to carry into effect section 6, article 9, of the Constitution, in relation to unclaimed dividends, which was referred to the Committee on the Judiciary.

On motion of Mr. Staples,

H. B. No. 243: A bill to amend the charter of Greensboro' as amended by the Senate, was put on its third reading, and passed by the following vote, and was ordered to be enrolled for ratification:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Atwater, Barnhardt of Caldwell, Bernheardt of Rowan, Barrett, Bettis, Bizzell, Blythe, Brewington, Bryan, Bryson, Carson, Carter, Cary, Davis of Haywood, Davis of Jackson, Dortch, Dula, Eatman, Elliott, Erwin, Etheridge, Fields, Foote, Freeman, Gaither, Garrison, Godwin, Good, Green, Griffin, Gudger, Hanner, Haymore, Hill, Hughes, Jessup, Johnston, Jones, Latta, Lloyd, Martin, McCalop, McCubbins, McIver, McNeill, McRae, Mebane, Mendenhall, Mizell, Mock, Moffitt, Moring, Moseley, Munden,

Newell, Norment, Page, Parker, Patton, Pinnix, Presson, Proffitt, Reid, Shackelford, Sharpe, Smith of Anson, Smith of Hyde, Spears, Staples, Staton, Stephenson, Stowe, Tate, Walden, Walker of Tyrrell, Ward, Wheeler, Whisnant, Whitley, Wiley, Wood, Woodhouse and Young—84.

Mr. Bunn voted in the negative.

Mr. Staples moved to reconsider the vote by which the bill passed its third reading, and to lay that motion on the table. The motion to table prevailed.

On motion of Mr. Pinnix, the rules were suspended, and

S. B. No. 591, H. B. No. 606: A bill to amend the charter of the city of Newbern, was taken from the calendar, and made the special order for Wednesday night at 7:30 o'clock.

Mr. Gudger, from the committee appointed to draft appropriate resolutions of respect to the memory of Robt. H. Ballard, of Gates, late a member of this House, reported the following resolutions, which were unanimously adopted:

WHEREAS, It has pleased Almighty God to take from our midst, in the full vigor of manhood and activity, our esteemed friend and worthy brother member, Hon. Robert H. Ballard, of the county of Gates; and whereas, in his death the State is deprived of a vigilant, faithful and devoted public servant. Therefore,

Resolved, That this House do now adjourn as a sincere token of respect to his memory.

Resolved, That we tender our kindest sympathy and most hearty condolence to his bereaved family and friends in this, their hour of sadness and affliction.

Resolved, That these resolutions be spread upon the Journal of this House, and that the Speaker be requested to transmit a copy of the same to the family of the deceased.

And the House then adjourned until Monday morning at 10 o'clock.

## SEVENTY-THIRD DAY.

Monday, March 8th, 1875.

The House was called to order at 10 A. M., Mr. Speaker Robinson in the chair.

Prayer by Rev. Mr. Atkinson, of this city.

The reading of the Journal of Saturday was dispensed with.

## INTRODUCTION OF PETITIONS, &C.

By Mr. McIver: A petition from citizens of Carthage, Moore county, asking that the prohibitory liquor laws affecting that community be not repealed. The petition was referred to the Committee on Propositions and Grievances.

### REPORTS OF STANDING COMMITTEES.

Mr. Gudger, from the Committee on Propositions and Grievances, reported unfavorably on the following bills:

H. B. No. 286: A bill to prevent the felling of trees into Fishing creek, in the counties of Halifax, Nash and Edgecombe;

H. B. No. 262: A bill to prevent the felling of timber, &c., in the waters of Doctor's creek, Duplin county;

H. B. No. 363: A bill amendatory of an act amending an act to prevent the felling of timber, &c., in Rockfish creek, &c.

Mr. Patton, from the Committee on Internal Improvements, submitted a report in the matter of the Albemarle and Chesapeake Canal Company, recommending the adoption of the original resolution, and also recommending that Mr. Woodhouse be placed on the Committee.

Mr. Woodhouse, from the Committee on Engrossed Bills, reported the following bill as correctly engrossed, and it was ordered to be sent to the Senate for concurrence:

H. B. No. 524: A bill to amend the charter of the town of Winston, &c.

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The following bills, reported as correctly enrolled by the Committee on Enrolled Bills, were duly ratified and transmitted to the Senate:

An act to amend the charter of the city of Greensboro;

An act supplemental to an act to change the time of holding certain courts in the Eleventh Judicial District;

An act to amend an act entitled an act to charter the Carolina Narrow Gauge Railroad, ratified the 8th February, 1872;

An act to punish the burning of grain and other products secured in stacks or otherwise out of doors.

An act in regard to fishing in New Begun creek, Pasquetank county.

### INTRODUCTION OF BILLS.

By Mr. Moseley: A bill concerning the measurement of timber and logs.

By Mr. Erwin: A bill to amend an act to construct a turnpike road from Marion to Burnsville, &c. Both of the above bills were referred to the Committee on Propositions and Grievances.

The following were referred to the Judiciary Committee:

By Mr. Glenn: A bill to define and punish disorderly conduct in certain cases, &c.;

By Mr. Green: A bill for the better protection of hotels, theatres and public conveyances.

By Mr. Staton: A bill to incorporate the town of Penny Hill, Pitt county. Referred to the Committee on Corporations.

On motion of Mr. Barnett, the rules were suspended, and

H. B. No. 451: A bill to incorporate the Norfolk, Roxboro' and Greensboro' Railroad Company, was taken up, and passed its second reading by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Atwater, Barnett, Bettis, Bizzell, Blythe, Boyd, Brewington, Bryson, Bunn, Candler, Carson, Carter, Cary, Crews, Davis of Haywood, Davis of Jackson, Dortch, Dula, Eatman, Elliott, Erwin, Etheridge, Fields, Finger, Foote Freeman, Gaither, Garrison, Gash, Glenn, Godwin, Good, Green, Griffin, Gudger, Hanner, Harrison, Haymore, Hill, Jessup, Jetton, Johnston, Jones, Latta, Lloyd, Martin, McCalop, McCubbins, McIver, McNeill, McRae, Mebane, Mendenhall, Mizell, Mock, Moffitt, Moseley, Munden, Norment, Page, Parker, Patton, Pinnix, Presson, Proffitt, Scott, Shackelford, Sharpe, Smith of Anson, Smith of Hyde, Spears, Staples, Staton, Stowe, Tate, Trivett, Walden, Walker of Richmond, Walker of Tyrrell, Ward, Wells, Whisnant, White, Wiley, Wood, Woodhouse and Young—88.

Negative-None.

On motion of Mr. Staton,

H. B. No. 622: A bill for the better government of the town of Tarboro', was taken up.

On the demand of Mr. Staton, the previous question was ordered.

The question recurred on the bill on its third reading.

Mr. Boyd called for the yeas and nays.

The call was sustained, and the bill passed its third reading by the following vote, and was ordered to be engrossed.

The following gentlemen voted in the affirmative:

Messrs. Anderson, Atwater, Barnhardt of Caldwell, Bernheardt of Rowan, Barrett, Bettis, Bizzell, Bryan, Davis of Haywood, Dortch, Eatman, Erwin, Etheridge, Fields, Finger, Foote, Freeman, Gaither, Garrison, Green, Gudger, Hanner, Haymore, Jessup, Jetton, Johnston, Latta, Martin, McCalop, McCubbins, McIver, McNeill, McRae, Mebane, Mendenhall, Mock, Moffitt, Moring, Moseley, Page, Patton, Pinnix, Presson, Reid, Richardson, Sharpe, Smith of Anson, Smith of Hyde, Spears, Staples, Staton, Stephenson, Stowe, Tate, Walker of Richmond, Walker of Tyrrell, Wells, Wiley, Woodhouse and Young—60.

The following gentlemen voted in the negative:

Messrs. Barnett, Blythe, Boyd, Brewington, Bryson, Bunn, Candler, Carson, Carter, Cary, Crews, Davis of Jackson, Dula,

Elliott, Glenn, Godwin, Good, Hill, Hughes, Jones, King, Lloyd, Mizell, Moore, Munden, Newell, Norment, Parker, Scott, Trivett, Ward, Whisnant, White and Wood—34.

Mr. Staton moved to reconsider the vote by which the bill passed, and to lay that motion on the table.

Mr. Lloyd called for the yeas and nays.

The call was not sustained, and Mr. Staton's motion was put to a vote and prevailed.

On motion of Mr. Johnston, S. B. No. 392, H. B. No. 539: A bill to incorporate the Border Railroad Company, was taken up.

Pending the consideration of the bill,

## THE SPECIAL ORDER,

H. B. No. 135: A bill concerning corporations, was announced.

On motion of Mr. Boyd, the special order was postponed for a few minutes.

The consideration of S. B. No. 392, H. B. No. 539, was resumed, passed its several readings, and was ordered to be enrolled for ratification.

By consent, Mr. Dula introduced a bill to incorporate the Wilkesboro High School, which was referred to the Committee on Corporations.

By consent, Mr. Robinson introduced a bill authorizing the commissioners of Macon county to levy a special tax, which was referred to the Committee on Finance.

H. B. No. 135: A bill concerning corporations, the recently postponed special order, was again taken up.

Mr. Pinnix moved to postpone until this evening at 9 o'clock. The motion failed for the want of a quorum voting.

Mr. Pinnix renewed the motion, and called for the yeas and nays.

The call was not sustained, and the motion again failed for the want of a quorum On motion of Mr. Moring, a call of the House was had, and the following gentlemen responded to the call of their names.

Messrs. Anderson, Atwater, Barnett, Barnhardt of Caldwell, Bernheardt of Rowan, Barrett, Bettis, Bizzell, Blythe, Boyd, Brewington, Bryan, Bryson, Candler, Carson, Carter, Cary, Crews, Davis of Haywood, Davis of Jackson, Dortch, Eatman, Elliott, Erwin, Etheridge, Fields, Finger, Foote, Freeman, Gaither, Garrison, Gash, Glenn, Godwin, Good, Green, Griffin, Gudger, Hanner, Harrison, Haymore, Hicks, Hill, Hughes, Hurley, Jessup, Jetton, Johnston, Jones, King, Latta, Lloyd, Martin, McCubbins, McIver, McNeill, McRae, Mebane, Mendenhall, Mizell, Mock, Moffitt, Moore, Moring, Moseley, Munden, Newell, Norment, Page, Parker, Patton, Pinnix, Presson, Proffitt, Reid, Richardson, Scott, Sharpe, Smith of Anson, Smith of Hyde, Spears, Stephenson, Stowe, Strong, Tate, Trivett, Walker of Tyrrell, Ward, Wells, Whisnant, White, Wiley, Wood, Woodhouse and Young—95.

The Chair announced that there was a quorum, ninety-five gentlemen having answered to their names.

On motion of Mr. Boyd, the whole matter was laid on the table.

Mr. Pinnix moved to reconsider the vote by which the bill was laid on the table.

The motion to reconsider was ordered to be entered on the Journal, to be taken up this evening at half past 8 o'clock.

## THE SECOND SPECIAL ORDER,

H. B. No. 513: A bill to repeal sections 14, 15, 16 and 17, chapter 2, Battle's Revisal, was taken up.

On motion of Mr. Oaksmith, the bill was laid on the table. On motion of Mr. Pinnix,

H. B. No. 816: A bill to authorize the commissioners of Washington county to levy a special tax, was taken up and referred to the Committee on Propositions and Grievances.

On motion of Mr. Hanner,

H. B. No. 738: A bill to prohibit the sale of spirituous liquors in certain localities in Chatham county, was taken up, passed its several readings, and was ordered to be engrossed.

On motion of Mr. McIver,

S. B. No. 425, H. B. No. 643: A bill to authorize the commissioners of Moore county to levy a special tax, was taken up, and passed its second reading by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Atwater, Barnhardt of Caldwell, Bernheardt of Rowan, Barrett, Bettis, Bizzell, Brewington, Bryan, Bryson, Candler, Carson, Cary, Davis of Haywood, Davis of Jackson, Dortch, Dula, Eatman, Elliott, Erwin, Etheridge, Fields, Freeman, Gaither, Garrison, Gash, Glenn, Godwin, Good, Green, Griffin, Gudger, Hanner, Harrison, Haymore Hill, Hughes, Jessup, Jetton, Johnston, Jones, King, Latta, Martin, McCalop, McCubbins, McIver, McNeill, McKae, Means, Mebane, Mendenhall, Mizell, Mock, Moffitt, Moring, Moseley, Page, Parker, Patton, Pinnix, Presson, Proffitt, Reid, Scott, Sharpe, Smith of Anson, Smith of Hyde, Spears, Stephenson, Stowe, Tate, Trivett, Walden, Walker of Tyrrell, Wells, Wheeler, White, Wiley, Wood, Woodhouse and Young—81.

The following gentlemen voted in the negative:

Messrs. Crews, Lloyd, Moore and Newell-4.

On motion of Mr. Barnett,

S. B. No. 676, H. B. No. 716: A bill to re-assess the property of Pitt county, was taken up, passed its several readings, and was ordered to be enrolled for ratification.

It was announced that Mr. Means, of Cabarrus, had been detained from his seat since February 11th, by severe sickness.

On motion of Mr. McRae, the House went into the Committee of the Whole on H. B. No. 647: A bill to raise revenue.

After discussion of the bill in Committee of the Whole, the Committee rose and the Chairman reported progress, and asked leave to sit again.

By consent, Mr. Strong introduced a bill in relation to the charters of cities and towns.

On motion of Mr. Strong, the rules were suspended, and the bill put on its second reading and passed.

Under a further suspension of the rules, the bill passed its third reading.

Mr. Strong moved to reconsider the vote by which the bill passed its third reading, and moved to lay that motion on the table. The motion to table was put to a vote and prevailed, and the bill was ordered to be sent to the Senate without engrossment.

S. B. No. 645, H. B. No. 673: A bill supplemental to an act passed at the present General Assembly to establish the county of Pender, was taken up.

Mr. Lloyd moved to amend by adding the following proviso:

"Provided, That this act shall not apply to Grant township until the same shall have been submitted to and adopted by a majority of the qualified voters of said township."

On the call of Mr. Staton, the previous question was ordered.

The question recurred on Mr. Lloyd's amendment, and it was rejected.

Mr. Norment gave notice of an amendment. The bill then passed its second reading.

Under a suspension of the rules, the bill came up on its third reading.

Mr. Boyd moved to amend by striking out the provisions of section 21, prohibiting the sale of liquors within three miles of the county site.

On the adoption of the amendment, Mr. Lloyd called the yeas and nays.

By leave of the House, Mr. Boyd withdrew his amendment. On the call of Mr. Staton, the previous question was ordered.

Mr. Norment waived his right to offer an amendment.

The bill then passed its third reading, and was ordered to be enrolled for ratification.

Mr. Gudger moved to reconsider the vote by which the bill passed its third reading, and lay that motion on the table. The motion to table was put to a vote and prevailed.

A message was received from the Senate transmitting an engrossed copy of S. B. No. 827: A bill to empower the commissioners of Cabarrus county to levy a special tax, and asking concurrence therein. It was read the first time and placed on the calendar.

Mr. Moore was granted a leave of absence for one week on account of sickness in his family.

Mr. Richardson was granted a leave of absence until Thursday.

On motion, the House adjourned until half past 7 o'clock this evening.

# EVENING SESSION.

At 7:30 o'clock Mr. Speaker Robinson called the House to order.

Mr. Richardson, from the Committe on Corporations, reported favorably on the following:

S. B. No. 773, H. B. No. 776; A bill to charter the Fifth Ward Bucket Company;

S. B. No. 578, H. B. No. 777: A bill to incorporate Eno Grange, No. 134, Patrons of Husbandry;

H. B. No. 794: A bill to incorporate the town of Penny Hill, Pitt county;

H. B. No. 784: A bill to amend section 1, laws of 1872-773, &c.;

H. B. No. 768: A bill to incorporate the town of Yeatesville, Beaufort county;

H. B. No. 786: A bill to extend the corporate limits of the town of Carthage, Moore county;

H. B. No. 793: A bill to incorporate the Wilkesboro' High School, Wilkes county;

H. B. No. 785: A bill to amend the charter of the town of Cero Gordo, Columbus county.

On motion of Mr. Dula,

H. B. No. 793: A bill to incorporate the Wilkesboro' High School, was taken up, passed its several readings, and was ordered to be engrossed.

On motion of Mr. McIver,

H. B. No. 786: A bill to extend the corporate limits of the town of Carthage, Moore county, was taken up, passed its several readings, and was ordered to be engrossed.

On motion of Mr. Hanner, the calendar was placed at the disposal of the Speaker.

The following bills were taken up, and laid on the table:

H. B. No. 387: A bill in relation to Town creek, Brunswick county;

H. B. No. 363: A bill amendatory of an act to prevent the felling of timbers in Rockfish creek, &c.;

H. B. No. 352: A bill to repeal chapter 7, laws of 1873-'74, incorporating the town of Lumberton;

H. B. No. 286: A bill to prevent the felling of trees into Fishing creek, in the counties of Halifax, Nash and Edgecombe, &c.;

H. B. No. 262: A bill to prevent the felling of timbers, &c., in the waters of Doctor's creek, Duplin county;

H. B. No. 143: A bill to incorporate the town of Laurenburg, Richmond county.

H. B. No. 336: A bill for the relief of officers in Watauga county, was taken up.

The substitute of the committee was accepted, and the bill passed its several readings, and was ordered to be engrossed.

H. B. No. 316: A bill in favor of Jacob Sowers, was taken

up, passed its several readings, and was ordered to be en-

grossed.

H. B. No. 525: A bill to prevent the sale of spirituous liquors within two and a half miles of Rocky River church, Cabarrus county, was withdrawn from the Committee on Propositions and Grievances, and placed on the calendar.

H. B. No. 470: A bill to extend the time for the organization of certain corporations, was taken up, passed its several readings, and was ordered to be engrossed.

H. B. No. 502: A bill to amend chapter 14, private laws of 1869-'70, was taken up, passed its several readings, and was ordered to be engrossed.

H. B. No. 525: A bill to prevent the sale of liquor within two and a half miles of Rocky River church, Cabarrus county, was taken up, passed its several readings, and was ordered to be engrossed.

H. B. No. 583: A bill amendatory of an act incorporating the National Loan and Trust Company, was taken up.

The amendments of the committee were adopted, and the bill passed its several readings, and was ordered to be engrossed.

H. B. No. 583: A bill to prevent the sale of liquor within two and a half miles of Rocky River church, Cabarrus county, was taken up, passed its several readings, and was ordered to be engrossed.

H. B. No. 607: A bill concerning the sticking of shad net stakes in certain waters of North Carolina, was taken up. The committee amendments were adopted.

On motion of Mr. Wiley, the county of Washington was exempted from the provisions of the bill.

On motion of Mr. Elliott, the waters of Albemarle sound above Bluff Point, was exempted from the provisions of the bill.

On motion of Mr. Walker, of Tyrrell, the waters of Tyrrell county were exempted from the operations of the bill.

On motion of Mr. Munden, Pasquotank county was exempted from the provisions of the bill.

On motion of Mr. Etheridge, the bill was re-committed to the Committee on Propositions and Grievances.

#### SPECIAL ORDER.

S. B. No. 591, H. B. No. 606: A bill to amend the charter of the city of Newbern, was taken up as the special order of the hour.

On the call of Mr. Staton, the previous question was ordered. On the call of Mr. Jones, the year and nays were had, and the bill passed its second reading by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Bernheardt of Rowan, Barrett, Bettis, Bizzell, Bryan, Bryson, Davis of Haywood, Davis of Jackson, Dortch, Eatman, Erwin, Etheridge, Fields, Finger, Foote, Freeman, Gaither, Green, Griffin, Hanner, Haymore, Isler, Jessup, Jetton, Johnston, Latta, Martin, McCubbins, McIver, McNeill, McRae, Means, Mebane, Mendenhall, Moffitt, Moring, Moseley, Oaksmith, Parrott, Patton, Pinnix, Presson, Proffitt, Reid, Richardson, Shackelford, Sharpe, Smith of Anson, Smith of Hyde, Spears, Staples, Staton, Stephenson, Stowe, Strong, Tate, Walker of Tyrrell, Wells, Whitley, Wiley, Woodhouse and Young—63.

The following gentlemen voted in the negative:

Messrs. Blythe, Brewington, Bunn, Carson, Carter, Crews, Dula, Godwin, Good, Harrison, Hill, Hughes, Jones, Lloyd, Mizell, Newell, Norment, Parker, Scott, Trivett, Ward, Wheeler, Whisnant, White and Wood—25.

Under a suspension of the rules, the bill came up on its third reading.

Mr. Lloyd moved to strike out the words "ninety days" and insert "thirty days."

The amendment was rejected, and the bill passed its third reading, and was ordered to be enrolled for ratification.

H. B. No. 765: A bill to incorporate the Wilmington Ice Company, was taken up, passed its several readings, and was ordered to be engrossed.

On motion of Mr. Pinnix,

H. B. No. 135: A bill concerning corporations, was taken from the table and placed on the calendar.

H. B. No. 785: A bill to amend the charter of the town of Cerro Gordo, Columbus county, was taken up, passed its several readings, and was ordered to be engrossed.

H. B. No. 680: A bill to provide for the removal of the county seat of Johnston county, was taken up.

Mr. Hanner offered the following amendments, which were accepted:

Amend by striking out "the 25th mile post" and insert the "27th mile post;" strike out the words "lost by fire" wherever they occur; amend by inserting after the word "county," in the fourth line of section 11, the words, "or when applicatation by petition shall be made by a majority of the registered voters of the county."

The bill then passed its several readings, and was ordered to be engrossed.

H. B. No. 609: A bill to prevent the killing of deer in certain seasons, was taken up, the amendments of the committee were adopted, and the bill passed its several readings and was ordered to be engrossed.

H. B. No. 252: A bill to establish the county line between the counties of New Hanover and Brunswick, was taken up and laid on the table.

H. B. No. 627: A bill to incorporate Olive Branch Lodge, I. O. O. F., No. 37, was taken up, passed its several readings, and was ordered to be engrossed.

H. B. No. 634: A bill to amend chapter 106, laws of 1873-74, was taken up and laid on the table.

H. B. No. 636: A bill to incorporate Balfour Lodge, F. and

A. Masons, Ashboro, Randolph county, was taken up and passed its several readings, and was ordered to be engrossed.

H. B. No. 637: A bill to amend the charter of the Bank of Mecklenburg, was taken up, passed its several readings, and was ordered to be engrossed.

H. B. No. 638: A bill to incorporate the Plummer Hook and Ladder Company, No. 1, was taken up, passed its several readings, and was ordered to be engrossed.

H. B. No. 621: A bill to prohibit the sale of liquor within five miles of the town of Murfreesboro, Hertford county, was taken up.

The committee amendments were accepted.

On motion of Munden, "five miles" was stricken out and "three miles" inserted.

The bill then passed its several readings, and was ordered to be engrossed.

H. B. No. 751: A bill to authorize the commissioners of Rockingham county to issue bonds for the purpose of reconstructing and repairing a bridge in said county, was put on its second reading.

Mr. Mebane offered the following amendment: In section 2, at the end thereof, add:

"Provided, That no bond shall be sold by said board of commissioners for less than its par value."

The amendment was adopted, and the bill passed its second reading by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Atwater, Barnhardt of Caldwell, Bernheardt of Rowan, Barrett, Bettis, Blythe, Brewington, Bryan, Bryson, Carson, Carter, Davis of Haywood, Davis of Jackson, Dortch, Dula, Eatman, Erwin, Etheridge, Fields, Finger, Freeman, Gaither, Garrison, Gash, Good, Green, Griffin, Hanner, Harrison, Haymore, Hicks, Hill, Hughes, Hurley, Jessup, Jetton, Johnston, King, Latta, Lloyd, Martin, McCalop, Mc-

Cubbins, McIver, McNeill, McRae, Mebane, Mendenhall, Mizell, Moffitt, Moring, Moseley, Munden, Newell, Oaksmith, Parker, Parrott, Patton, Pinnix, Presson, Proffitt, Reid, Richardson, Sharpe, Smith of Anson, Smith of Hyde, Spears, Staples, Staton, Stephenson, Stowe, Strong, Tate, Trivett, Walden, Walker of Tyrrell, Wells, Whisnant, White, Whitley, Wiley, Wood, Woodhouse and Young—85.

The following gentleman voted in the negative:

Messrs. Bunn and Crews -2.

H. B. No. 642: A bill to secure certain privileges in the waters of New river, was, on motion, laid on the table.

H. B. No. 649: A bill for the relief of Bryce Haralson, of Caswell county, was put on its several readings and passed, and was ordered to be engrossed and sent to the Senate.

H. B. No. 662: A bill to incorporate Nashville Lodge, No. 84, I. O. O. F., passed its several readings, and was ordered to be engrossed and sent to the Senate.

S. B. No. 745, H. B. No. 799: A bill in relation to the charter of cities and towns, passed its several readings, and was ordered to be enrolled for ratification.

And the following bills were put on their several readings, and passed, and were ordered to be sent to the Senate:

H. B. No. 664: A bill to amend section 1, chapter 14, private laws of 1870-71, and to re-enact the same;

H. B. No. 665: A bill to incorporate Perseverance Council, No. 74, Friends of Temperance, Fayetteville, North Carolina;

H. B. No. 678: A bill to prevent the hauling of seines in the mouth of Goose creek and Beard's creek, in certain seasons; and

H. B. No. 682: A bill to amend the charter of the Beaver Creek Manufacturing Company.

And the House adjourned until 10 o'clock to-morrow morning.

## SEVENTY-FOURTH DAY.

Tuesday, March 9th, 1875.

The House was called to order at 10 A. M., Mr. Speaker Robinson in the chair.

Prayer by Rev. Mr. Marshall, of the city.

The Journal of yesterday was read and approved.

## INTRODUCTION OF PETITIONS, &C.

Mr. McIver presented a petition from citizens of Moore county, concerning the prohibitory liquor law affecting the town of Carthage, in said county. The petition was referred to the Committee on Propositions and Grievances.

Mr. Means presented a petition from citizens of Cabarrus county, asking the General Assembly not to pass an act allowing the commissioners of said county to purchase a site for a new court house, &c. The petition was placed on the calendar.

#### REPORTS OF STANDING COMMITTEES.

Mr. McRae, from the Committee on Internal Improvements, reported favorably on

- S. B. No. 691, H. B. No. 687: A bill to compel the Carolina Central Railway to complete its road to Shelby, N. C.; and on
- S. B. No. 371, H. B. No. 753: A bill supplemental to an act to incorporate the Elizabeth City and Norfolk Railroad Company.

Mr. Tate, from the Committee on Finance, reported favorably on the following bills:

H. B. No. 792: A bill to authorize the commissioners of Macon county to levy a special tax;

S. B. No. 766, H. B. No. 774: A bill to authorize the commissioners of Franklin county to levy a special tax;

S. B. No. 761, H. B. No. 775: A bill to authorize the commissioners of Hertford county to issue bonds, &c.; and, with amendment, on

H. R. No. 195: A resolution in favor of G. J. Williams, sheriff of Chatham county;

Mr. Barnhardt, of Caldwell, from the Committee on Propositions and Grievances, reported favorably, with amendment, on

H. B. No. 417: A bill concerning inspections of timber; and on

H. B. No. 796: A bill concerning the measurement of timber and logs.

Mr. Staton, from the Committee on Counties, Cities, Towns and Townships, reported favorably, with amendment, on

H. B. No. 778: A bill to amend the line between the counties of Mitchell and Yancey.

Mr. Pinnix, from the Joint Committee on Immigration, reported favorably on H. B. No. 758, a bill to enable the Bureau of Immigration, Statistics and Agriculture to obtain information, distribute documents, and for other purposes.

The following bills and resolutions reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the Senate:

An act supplemental to an act passed at the present General Assembly, entitled an act to lay off and establish a county by the name of Pender;

An act to re-assess the real property of Pitt county; Resolution in regard to Pardon, &c.;

An act to incorporate the City Bank of Wilmington;

An act for the better protection of the Caldwell and Watauga Turnpike Company;

An act to amend chapter 120, section 1, laws of 1871-'72.

Mr. Shackelford, from the Committee on Engrossed Bills, reported the following as correctly engrossed, and they were ordered to be sent to the Senate for concurrence:

H. B. No. 622: A bill for the better government of the town of Tarboro;

H. B. No. 738: A bill to prohibit the sale of liquor in certain localities in Chatham county.

### INTRODUCTION OF RESOLUTIONS.

By Mr. Erwin: A resolution concerning an appeal to the Supreme Court of the United States. Placed on the calendar.

## INTRODUCTION OF BILLS.

By Mr. Dortch: A bill to punish the willful burning of houses. Referred to the Judiciary Committee.

By Mr. McCubbins: A bill to define the jurisdiction of the mayor of Salisbury. Referred to the Committee on Corporations.

The following were referred to the Committee on Internal Improvements:

By Mr. Scott: A bill to authorize the Atlantic and North Carolina Railroad Company to build a branch road.

By Mr. Gudger: A bill to authorize the authorities in charge of the Eastern Division of the Western North Carolina Railroad to pay the money in the treasury of the same, to the porper authorities.

By Mr. Trivett: A bill to facilitate the incorporation of Narrow Gauge Railroads, &c. Referred to the Committee on Corporations.

The following were placed on the calendar:

By Mr. Hanner, (by request of Mr. Robinson): A bill to amend section 16, chapter 2, Battle's Revisal, entitled "Agriculture and Geology."

By Mr. Spears: A bill to punish fraud in certain cases.

The following were referred to the Committee on Propositions and Grievances:

By Mr. Carson: A bill for the relief of H. W. Mays, sheriff of Alexander county.

By Mr. Carter: A bill to prohibit the giving away or selling of spirituous or intoxicating liquors at or within three miles of Shocco Chapel, Warren county.

By Mr. Gudger, (by request): A bill in regard to the growth of factories by preventing the sale of liquor thereat.

By Mr. Oaksmith: A bill (with memorial) to restore the credit of the State, and incorporate the Bank of North Carolina. Referred to the Joint Committee on State Debt.

A message was received from the Senate transmitting the following bills:

- S. B. No. 629: A bill to amend section 16, of chapter 2, Battle's Revisal;
- S. B. No. 592: A bill to allow Catawba township, Lincoln county, an additional justice of the peace;
  - S. B. No. 290: A bill in regard to compromises;
- S. B. No. 825: A bill to incorporate the town of Ore Knob, in Ashe county;
- S. B. No. 275: A bill to incorporate Kinston Lodge, No. 316, Free and Accepted Masons;
- S. B. No. 717: A bill to incorporate the Wilmington and New River Navigation Company; and
- S. B. No. 844: A bill to construe an act passed at the session of 1872-73, entitled an act in relation to fences, and for the better protection of crops.

They were read the first time, and referred as follows:

Senate Bills Nos. 275 and 717, were referred to the Committee on Corporations;

Senate Bills Nos. 290 and 592, to the Committee on the Judiciary;

S. B. No. 629, to the Committee on Finance; and

Senate Bills Nos. 825 and 844, were ordered to be placed on the calendar.

#### SPECIAL ORDER.

The special order of the hour was announced, being H. B. No. 691: A bill in relation to the land scrip fund, for

the establishment of colleges for the benefit of agriculture and the mechanic arts.

Mr. Hanner withdrew his amendment offered at the previous discussion of the bill.

Mr. Mendenhall offered the following amendment:

In first paragraph of the preamble strike out all after the words "were intended," in line 14, and insert the following: "In securities, some of which are void, and all of which are unavailable, whereby the aforesaid sum of one hundred and twenty-five thousand dollars has become impaired."

The question recurred on the amendment offered by Mr.

On motion of Mr. Erwin, the further consideration of the bill was postponed, and it was made the special order for tomorrow at 12 o'clock.

By consent, Mr. McRae introduced a bill for the relief of E. P. Powers and S. T. Hawley, late tax collectors of the town of Fayetteville, and a bill to authorize the board of commissioners of Cumberland county to refund their debt. Both of which were referred to the Committee on Finance.

By consent, Mr. Means introduced a bill supplemental to an act to prevent live stock from running at large in Cabarrus and certain other counties, ratified the 12th day of February, 1875, which was placed on the calendar.

By consent, Mr. Whitley introduced a resolution of instruction to the Committee on Public Grounds, which was placed on the calendar.

On motion of Mr. McRae, it was resolved that when the House adjourns, it adjourn to 3:30 o'clock this afternoon.

Mr. Mitchell was announced as detained at home by serious illness in his family.

A message from the Senate was announced transmitting

S. B. No. 407: A bill to amend section 52, chapter 87, Battle's Revisal;

S. R. No. 847: Joint resolution of inquiry in reference to deposits made by the State Treasurer;

Engrossed Senate amendments to H. B. No. 326, S. B. No. 588: A bill to amend chapter 137, laws of 1873-'74.

The bill and resolution were read the first time, and

S. B. No. 407, was referred to the Committee on Propositions and Grievances; and

S. R. No. 847, was placed on the calendar;

And the amendment to H. B. No. 326, was concurred in, and the bill was ordered to be enrolled for ratification.

H. B. No. 451: A bill to incorporate the Norfolk, Roxboro and Greensboro Railroad, was put on its third reading and passed by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Atwater, Barnett, Bettis, Bizzell, Blythe, Brewington, Bryan, Bryson, Candler, Carson, Carter, Cary, Crews, Davis of Haywood, Davis of Jackson, Dortch, Dula, Eatman, Elliott, Etheridge, Fields, Foote, Freeman, Gaither, Garrison, Gash, Godwin, Good, Green, Griffin, Gudger, Hanner, Harrion, Haymore, Hill, Hughes, Isler, Jessup, Jetton, Jones, Latta, Lloyd, Martin, McCalop, McCubbins, McIver, McNeill, McRae, Means, Mebane, Mendenhall, Mizell, Mock, Moffitt, Moring, Moseley, Munden, Newell, Norment, Parker, Patton, Pinnix, Proffitt, Reid, Scott, Sharpe, Smith of Anson, Spears, Staples, Staton, Stephenson, Stowe, Strong, Tate, Walden, Walker of Tyrrell, Ward, Wells, Wheeler, Whisnant, White, Whitley, Wiley and Wood—85.

The following gentlemen voted in the negative:

Messrs. Barnhardt of Caldwell, Bernheardt of Rowan and Bunn-3.

S. B. No. 425, H. B. No. 643: A bill to authorize the commissioners of Moore county to levy a special tax, was put on its third reading and passed by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Atwater, Barnett, Barnhardt of Caldwell, Bernheardt of Rowan, Bettis, Bizzell, Boyd, Brewington, Bryan, Bryson, Candler, Carson, Cary, Davis of Haywood, Davis of Jackson, Dortch, Dula, Eatman, Elliott, Etheridge, Fields, Finger, Foote, Freeman, Gaither, Garrison, Gash, Good, Green, Griffin, Gudger, Hanner, Harrison, Haymore, Hicks, Hill, Hughes, Isler, Jessup, Jetton, Johnston, Latta, Martin, McCalop, McCubbins, McIver, McNeill, McRae, Means, Mendenhall, Mizell, Mock, Moffitt, Moring, Moseley, Newell, Page, Patton, Pinnix, Presson, Proffit, Reid, Scott, Sharpe, Smith of Anson, Smith of Hyde, Spears, Staples, Staton, Stephenson, Stowe, Strong, Tate, Walden, Walker of Tyrrell, Wells, Wheeler, Whisnant, Whitley, Wiley and Wood—82.

The following gentlemen voted in the negative:

Messrs. Bunn, Carter, Crews, Lloyd and White-5.

Before the vote was announced, Mr. McIver, by consent of the House, submitted the following amendment:

"Amend by inserting that the funds raised by this act shall be used for the necessary repairs to the court house, and for purchasing a site and erecting a poor house. But the commissioners shall submit the question of tax or no tax to the qualified voters of Moore county on the regular day of election, on the first Thursday in August, 1875; and if a majority of the qualified voters vote for a tax, then the commissioners may proceed to collect the tax."

The amendment was accepted, and the bill was ordered to besent to the Senate for concurrence in the engrossed amendf ments.

H. B. No. 751: A bill to authorize the Commissioner so Rockingham county to issue bonds for the purpose of reconstructing and repairing a bridge in said county, was put on its third reading and passed by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Atwater, Barnett, Barnhardt of Caldwell Bernheardt of Rowan, Bettis, Bizzell, Blythe, Boyd, Brewing' to n Bryson, Candler, Carson, Carter, Cary, Davis of Haywood, Dortch, Erwin, Etheridge, Fields, Freeman, Gaither, Garrison, Good, Green, Griffin, Gudger, Hanner, Harrison, Haymore, Hicks, Hill, Hughes, Isler, Jessup, Jetton, Johnston, Latta, Lloyd, Martin, McCalop, McCubbins, McIver, McNeill, McRae, Means, Mebane, Mendenhall, Mizell, Mock, Moffitt, Moring, Moseley, Newell, Parker, Patton, Pinnix, Reid, Scott, Sharpe, Smith of Anson, Spears, Staples, Staton, Stephenson, Stowe, Strong, Tate, Walden, Ward, Wells, Whisnant, White, Whitley, Wiley and Woodhouse—76.

Mr. Bunn voted in the negative.

On motion of Mr. Gudger, the vote by which the House decided to meet at half-past 3 o'clock this P. M., was reconsidered.

The question then recurred on the motion to meet at half-past 3 o'clock.

On the call of Mr. Davis of Haywood, the yeas and nays were had, and the motion prevailed by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Atwater, Barnhardt of Caldwell, Bern heardt of Rowan, Bettis, Blythe, Bryson, Candler, Davis of Haywood, Dortch, Eatman, Elliott, Erwin, Etheridge, Fields, Gaither, Green, Griffin, Hanner, Harrison, Haymore, Hicks, Hill, Hughes, Isler, Jessup, Jetton, Martin, McCubbins, McNeill, McRae, Means, Mock, Moffitt, Moring, Moseley, Page, Parker, Patton, Pinnix, Presson, Sharpe, Smith of Anson, Staples, Stowe, Tate, Walden, Whisnant, White, Whitley and Woodhouse—51.

The following gentlemen voted in the negative:

Messrs. Barnett, Bizzell, Boyd, Brewington, Bunn, Carter, Cary, Crews, Garrison, Gash, Godwin, Gudger, Johnston, Lloyd, McCalop, McIver, Mebane, Mendenhall, Norment, Oaksmith, Scott, Spears, Staton, Stephenson, Strong, Ward, Wells and Wiley—28.

On motion, the House adjourned until half-past 3 o'clock, P. M.

## AFTERNOON SESSION.

The House met at 3:30 o'clock, Mr. Speaker Robinson in the chair.

On motion of Mr. McIver, the calendar was placed at the disposal of the Speaker.

H. B. No. 736: A bill to incorporate the Atlantic Iron and Steel Works, was taken up on its second reading.

The amendments of the committee were accepted, and the bill passed its several readings, and was ordered to be engrossed and sent to the Senate.

- H. B. No. 768: A bill to incorporate the town of Yeatesville, in the county of Beaufort, was put on its several readings and passed, and was ordered to be engrossed and sent to the Senate.
- H. B. No. 770: A bill to declare a portion of Haw river, in Rockingham county, to be a lawful fence, passed its several readings, and was ordered to be engrossed and sent to the Senate.
- H. B. No 683: A bill to authorize the mayor and commissioners of the town of Fayetteville to re organize the fire department, was put on its several readings and passed, and was ordered to be engrossed and sent to the Senate.
- H. B. No. 794: A bill to incorporate the town of Penny Hill, in the county of Pitt, was put on its second reading and passed, and went to its third reading and passed, and was ordered to be engrossed and sent to the Senate.
- S. B. No. 746, H. B. No. 719: A bill to amend the charter of the Western Railroad Company, was put on its several readings and passed, and was ordered to be enrolled for ratification.
- S. B. No. 844: A bill to construe an act passed at the session of 1872-'73, in relation to the protection of crops, &c., passed its several readings, and was ordered to be enrolled for ratification.

H. B. No. 740: A bill to amend section 8, line 2, chapter 136, private laws of 1873-'74, passed its several readings and was ordered to be engrossed.

S. B. No. 827, H. B. No. 798: A bill to authorize the commissioners of the county of Cabarrus to sell the present court house lot and to levy a special tax for the purpose of rebuilding the court house, passed its second reading by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Atwater, Barnett, Barnhardt of Caldwell, Bernheardt of Rowan, Barrett, Bettis, Bizzell, Brewington, Bryson, Carson, Carter, Cary, Davis of Haywood, Dortch, Dula, Eatman, Elliott, Erwin, Etheridge, Fields, Foote, Freeman, Gaither, Garrison, Glenn, Godwin, Good, Green, Griffin, Gudger, Hanner, Harrison, Haymore, Jetton, Johnston, Jones, Lloyd, Martin, McCalop, McCubbins, McIver, McNeill, McRae, Means, Mebane, Mizell, Mock, Moffitt, Moring, Moseley, Munden, Newell, Page, Parrott, Patton, Pinnix, Presson, Reid, Sharpe, Smith of Hyde, Staples, Staton, Stowe, Strong, Tate, Trivett, Walker of Richmond, Walker of Tyrrell, Wells, Whisnant, White, Whitley, Wiley, Wood, Woodhouse and Young—77.

The following gentlemen voted in the negative:

Messrs. Bunn and Candler-2.

By consent, Mr. Means introduced a bill to amend chapter 329, laws of 1850-'51. Placed on the calendar.

S. B. No. 484, H. B. No. 617: A bill to incorporate Burnt Chimney Academy, Rutherford county, was taken up, passed its several readings, and was ordered to be enrolled.

H. B. No. 710: A bill to require the Secretary of State to perform certain duties, was taken up, passed its third reading, and was ordered to be engrossed.

Mr. Strong moved to reconsider, and to lay that motion on the table. The motion to table prevailed.

H. B. No. 740: A bill to amend section 8, chapter 136,

laws of 1873-'74, was taken up, passed its several readings, and was ordered to be engrossed.

H. B. No. 695: A bill to amend the charter of the town of Elizabeth City, Pasquotank county, was taken up, passed its second reading by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Barnett, Barnhardt of Caldwell, Bernheardt of Rowan, Barrett, Bettis, Bizzell, Brewington, Bryson, Candler, Carson, Carter, Crews, Davis of Haywood, Dortch, Dula, Eatman, Elliott, Erwin, Etheridge, Fields, Foote, Freeman, Gaither, Garrison, Gash, Glenn, Godwin, Good, Green, Griffin, Gudger, Hanner, Harrison, Haymore, Hicks, Hughes, Jessup, Johnston, Jones, King, Lloyd, Martin, McCalop, McCubbins, McIver, McNeill, McRae, Means, Mebane, Mock, Moffitt, Moring, Moseley, Munden, Newell, Page, Patton, Pinnix, Presson, Proffitt, Reid, Sharpe, Smith of Anson, Smith of Hyde, Staples, Staton, Stowe, Strong, Tate, Walden, Walker of Richmond, Walker of Tyrrell, Ward, Wells, Whisnant, White, Whitley, Wiley, Wood, Woodhouse and Young—82.

Negative-None.

H. B. No. 338: A bill to prevent live stock from running at large in the county of Cabarrus, was taken up, and laid on the table.

H. B. No. 345: A bill to provide a just system of advertising, was taken up.

The question recurred on the bill on its second reading.

On the call of Mr. Barrett, the yeas and nays were had, and the bill failed to pass by the following vote.

The following gentlemen voted in the affirmative:

Messrs. Erwin, Foote, McRae, Means, Mebane, Strong, Tate, Walker of Richmond, Wiley and Wood—10.

The following gentlemen voted in the negative:

Messrs. Anderson, Atwater, Barrett, Bizzell, Brewington, Bryson, Bunn, Candler, Carson, Carter, Cary, Crews, Davis f Haywood, Dortch, Dula, Eatman, Elliott, Etheridge, Fields Freeman, Gaither, Garrison, Glenn, Godwin, Good, Green,

Griffin, Gudger, Hanner, Harrison, Haymore, Hicks, Jessup, Johnston, Jones, Lloyd, Martin, McCalop, McCubbins, McIver, McNeill, Mock, Moffitt, Moring, Moseley, Munden, Newell, Page, Patton, Pinnix, Sharpe, Smith of Anson, Smith of Hyde, Spears, Staples, Staton, Stowe, Walden, Walker of Tyrrell, Wells, Whisnant, White, Whitley, Woodhouse and Young—65.

S. B. No. 792: A bill to authorize the commissioners of Macon county to levy a special tax, was taken up, and passed its second reading by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Atwater, Barnhardt of Caldwell, Bernheardt of Rowan, Barrett, Bettis, Bizzell, Brewington, Bryson, Candler, Carson, Carter, Cary, Davis of Haywood, Dortch, Eatman, Elliott, Erwin, Etheridge, Foote, Freeman, Gaither, Garrison, Glenn, Godwin, Good, Green, Griffin, Gudger, Hanner, Harrison, Haymore, Hicks, Jessup, Jetton, Johnston, Jones, King, Lloyd, Martin, McCalop, McCubbins, McIver, McNeill, McRae, Means, Mebane, Mizell, Mock, Moffitt, Moring, Moseley, Munden, Newell, Page, Parrott, Patton, Pinnix, Presson, Proffitt, Reid, Shape, Smith of Hyde, Staples, Staton, Stowe, Strong, Tate, Trivett, Walker of Richmond, Walker of Tyrrell, Wells, Whisnant, White, Whitley, Wiley, Wood, Woodhouse and Young—79.

The following gentlemen voted in the negative:

Messrs. Bunn and Crews-2.

S. B. No. 402, H. B. No. 624: A bill to authorize the commissioners of Craven county to levy a special tax, was taken up, passed its third reading by the following vote, and was ordered to be enrolled for ratification:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Atwater, Barnhardt of Caldwell, Bernheardt of Rowan, Bettis, Bizzell, Bryson, Candler, Carson, Carter, Cary, Davis of Haywood, Dortch, Dula, Eatman, Elliott, Erwin, Etheridge, Fields, Foote, Freeman, Gaither, Garrison, Gash, Glenn, Godwin, Good, Green, Griffin, Gudger,

Hanner, Harrison, Haymore, Hicks, Jessup, Jetton, Johnston, Jones, King, Lloyd, Martin, McCalop, McCubbins, McIver, McNeill, McRae, Means, Mebane, Mizell, Mock, Moffitt, Moring, Moseley, Munden, Newell, Page, Patton, Pinnix, Presson, Proffitt, Reid, Sharpe, Smith of Anson, Staples, Staton, Stowe, Strong, Tate, Walker of Richmond, Walker of Tyrrell, Ward, Wells, Whisnant, White, Whitley, Wiley, Wood, Woodhouse and Young—79.

The following gentlemen voted in the negative:

Messrs. Barrett, Blythe, Brewington, Bunn and Crews-5.

S. B. No. 191, H. B. No. 756: A bill for the support of the Insane Asylum of North Carolina, was taken up, passed its several readings, and was ordered to be enrolled for ratification.

H. B. No. 779: A bill to provide for the erection of a new kitchen and store house room at the Insane Asylum, was taken up, passed its several readings, and was ordered to be engrossed.

Mr. Dula moved that when the House adjourns, it adjourn to meet again at 7:30 o'clock this P. M., and on that motion called the yeas and nays.

The call was sustained, the roll called, and the motion failed for the want of a quorum by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Atwater, Bettis, Brewington, Carson, Carter, Crews, Dula, Eatman, Elliott, Godwin, Griffin, Harrison, Jones, McIver, McNeill, Moffitt, Parker, Smith of Anson, Stowe, Trivett, Walker of Tyrrell, White and Wood—22.

The following gentlemen voted in the negative:

Messrs. Bernheardt of Rowan, Bizzell, Bryson, Cary, Davis of Haywood, Erwin, Fields, Foote, Gaither, Garrison, Good, Green, Gudger, Haymore, Hicks, Johnston, King, Lloyd, McCubbins, McRae, Means, Mebane, Moring, Moseley, Munden, Patton, Presson, Proffitt, Sharpe, Spears, Staton, Walden, Wells, Whisnant and Woodhouse—36.

On motion of Mr. Moring, the House adjourned until to morrow at 10 A. M.

## SEVENTY-FIFTH DAY.

WEDNESDAY, March 10th, 1875.

The House was called to order at 10 A. M., Mr. Gudger in the chair.

Prayer by the Rev. Mr. Pritchard, of this city.

The Journal of yesterday was read and approved.

#### REPORTS OF STANDING COMMITTEES.

Mr. McRae, from the Judiciary Committee, reported favorably on

H. B. No. 743, S. B. No. 747: A bill to amend an act passed at the present session of the General Assembly, to change the time of holding courts in the 3rd Judicial District.

Mr. Means, from the same committee, reported favorably

H. B. No. 498: A bill to amend chapter 61, section 54, Battle's Revisal.

Mr. Carson, from the Committee on Corporations, reported favorably on

S. B. No. 275, H. B. No. 816: A bill to incorporate Kinston Lodge, No. 316, Free and Accepted Masons; and

H. B. No. 806: A bill to define the jurisdiction of the mayor of Salisbury.

Mr. Barnhardt of Caldwell, from the Committee on Propositions and Grievances, reported on

H. B. No. 816: A bill to authorize the commissioners of Washington county to levy a special tax, &c., recommending that the bill be referred to the Finance Committee, and the reference was ordered by the House.

Mr. King, from the Committee on Engrossed Bills, reported as correctly engrossed, the following bills, and they were ordered to be transmitted to the Senate for concurrence:

H. B. No. 316: A bill in favor of Jacob A. Sowers;

- H. B. No. 525: A bill to prevent the sale of intoxicating liquors within two and a half miles of Rocky River church, in Cumberland county;
- H. B. No. 502: A bill to amend chapter 14, private laws of 1869-70;
- H. B. No. 451: A bill to incorporate the Norfolk, Roxboro and Greensboro Railroad Company;
- H. B. No. 470: A bill to extend the time for the organization of corporations;
- H. B. No. 664: A bill to amend section 1, chapter 14, private laws of 1870-71, and to re-enact the same;
- H. B. No. 678: A bill to prevent the hauling of seines, &c., in the mouth of Goose and Beard's creeks in certain seasons; Substitute of H. B. No. 336: A bill concerning burnt

Substitute of H. B. No. 336: A bill concerning burnt records;

- H. B. No. 680: A bill to provide for the removal of the county seat of Johnston county;
- H. B. No. 682: A-bill to amend the charter of the Beaver Creek Manufacturing Company;
- H. B. No. 683: A bill to authorize the mayor and commissioners of Fayetteville to re organize the fire department;
- H. B. No. 736: A bill to incorporate the Atlantic Iron and Steel Company;
- H. B. No. 740: A bill to amend section 8, line 2, chapter 136, private laws of 1873-74;
- H. B. No. 751: A bill to authorize the commissioners of Rockingham county to issue bonds for the purpose of repairing bridges in the county;
- H. B. No. 779: A bill to provide for the erection of a new kitchen and store room at the Insane Asylum;
- H. B. No. 770: A bill declaring a portion of Haw river, in Rockingham county, a lawful fence;
- H. B. No. 710: A bill to require the Secretary of State to perform certain duties;
- H. B. No 794: A bill to incorporate the town of Penny Hill, in the county of Pitt;

- H. B. No. 665: A bill to incorporate Perseverance Council, No. 14, Friends of Temperance, Fayetteville;
- H. B. No. 583: A bill to amend an act to incorporate the National Loan and Trust Company;
- H. B. No. 768: A bill to incorporate the town of Yeatesville, in Beaufort county;
- H. B. No. 765: A bill to incorporate the Wilmington Ice Company;
- H. B. No. 786: A bill to extend the corporate limits of the town of Carthage, in the county of Moore;
- H. B. No. 785: A bill to amend the charter of the town of Cero Gordo, Columbus county;
- H. B. No. 662: A bill to incorporate Nashville Lodge, No. 84, I. O. O. F., Nash county;
- H. B. No. 638: A bill to incorporate Plummer Hook and Ladder Company, No. 1;
- H. B. No. 649: A bill for the relief of Bryce Harralson, of Caswell county;
- H. B. No. 636: A bill to incorporate Balfour Lodge, Free and Accepted Masons, in the town of Ashboro, Randolph county;
- H. B. No. 609: A bill to prohibit the killing of deer at certain seasons of the year;
- H. B. No. 621: A bill to prohibit the sale of spirituous liquors within five miles of the town of Murfreesboro, Hertford county;
- H. B. No. 637: A bill to amend the charter of the Bank of Mecklenburg;
- H. B. No. 793: A bill to incorporate Wilkesboro High School, in the county of Wilkes.

The following bills and resolutions, reported as correctly enrolled by the Committee on Enrolled Bills, were duly ratified and transmitted to the Senate:

An act to incorporate the village of Rose Hill, in the county of Duplin;

Resolution in favor of J. H. Enniss;

An act in relation to charters of cities and towns;

An act to support the Insane Asylum of North Carolina;

An act to amend the charter of the Western Railroad Company;

An act to construe an act passed by the General Assembly at its session of 1872-'73, entitled "an act in relation to fences and for the better protection of crops."

An act to amend chapter 137, laws of 1873-'74;

An act to incorporate the trustees of Burnt Cuimney Academy, in Rutherford county;

An act to authorize the commissioners of Craven county to levy a special tax;

An act to incorporate the North Carolina Border Railroad Company;

Leave of absence was granted to the following gentlemen:

To Messrs. Moring and Hanner, indefinitely from and after Monday; to Mr. Moffitt, indefinitely from and after Tuesday; to Mr. Crews, until Tuesday; to Mr. Trivett, until Tuesday; to Mr. Hicks, indefinitely from and after Tuesday, and to Mr. King, indefinitely from and after Tuesday next.

On motion of Mr. Bryan, the calendar was placed at the disposal of the Speaker.

S. B. No. 349, H. B. No. 561: A bill amendatory of an act amending an act to establish a literary and manual labor institution, Wake county, &c., was taken up, passed its several readings, and was ordered to be enrolled for ratification.

H. B. No. 820: A bill supplemental to the act to prevent live stock from running at large in Cabarrus and certain other counties, was taken up, passed its several readings, and was ordered to be engrossed.

Mr. Boyd rose to a question of privilege in regard to the report of his remarks published in the "Daily News."

H. B. No. 417: A bill concerning inspectors of timber, was taken up.

Mr. Norment moved to amend by saying that the said in-

spectors shall reside in the city of Wilmington. The amendment was accepted.

Mr. Lloyd gave notice of an amendment.

Mr. Bryan offered the following amendment:

"Provided, That no mill owner or buyer of ton timber shall be surety on the bond of any inspector."

On the call of Mr. Bryan, the previous question was ordered.

On the motion of Mr. Bryan, the vote by which Mr. Norment's amendment was adopted, was reconsidered, and the amendment was rejected.

The question recurred on Mr. Bryan's amendment, and it was adopted.

Mr. Lloyd offered the following amendment, of which notice had been given, which was rejected:

Provided further, That the said inspectors shall be appointed by the county commissioners as is provided in chapter 61, Battle's Revisal: Provided further, That nothing in this act shall be so construed as to affect any right of power now given to the commissioners in said chapter 61, of said Revisal.

The bill then passed its second reading.

S. B. No. 551, H. B. No. 628: A bill to incorporate the Rutherford Manufacturing Company, was taken up and passed its second reading.

Under a suspension of the rules, the bill came up on its third reading; when,

On motion of Mr. Tate, the bill was referred to the Committee on Internal Improvements.

By consent, Mr. Boyd: A resolution in favor of James Lumley and James Farriss. Placed on the calendar.

By consent, Mr. Trivett: A bill to incorporate the North Carolina, Tennessee and Virginia Narrow Gauge Railroad Company. Referred to the Committee on Corporations. By consent, Mr. Walker, of Tyrrell: A resolution adjourning sine die on the 22d instant. Placed on the Calendar.

By consent, Mr. Munden presented a petition from citizens of Pasquotank county. Referred to the Committee on Propositions and Grievances.

H. B. No. 806: A bill to define the jurisdiction of the mayor of the town of Salisbury, was taken up, passed its several reading and was ordered to be engrossed.

S. B. No. 619, H. B. No. 722: A bill for the relief of disabled soldiers, was taken up.

Mr. Norment moved to amend by inserting "any soldier that has lost both eyes in the service of the late Confederacy be allowed one hundred dollars out of any moneys not otherwise appropriated."

On motion of Mr. Finger, the bill was referred to the Committee on Finance.

By consent, Mr. Scott: A bill to restore the charter of the town of Beaufort, Carteret county. Referred to the Committee on Propositions and Grievances.

S. B. No. 827, H. B. No. 798: A bill to authorize the commissioners of Cabarrus county to levy a special tax, was taken up.

Mr. Crews offered an amendment submitting the question of tax to the qualified voters of said county.

The amendment was rejected, and the bill passed its third reading by the following vote, and was ordered to be enrolled for ratification.

The following gentlemen voted in the affirmative:

Messrs. Anderson, Barnhard of Caldwell, Barnheardt of Rowan, Bennett, Bettis, Bizzell, Bryan, Bryson, Carson, Davis of Haywood, Davis of Jackson, Dortch, Dula, Eatman, Erwin, Etheridge, Fields, Finger, Foote, Freeman, Gaither, Garrison, Gash, Green, Griffin, Gudger, Hanner, Haymore, Hicks, Hurley, Isler, Jessup, Kendall, King, Martin, McCalop, McCubbins, McIver, McNeill, McRae, Means, Mebane, Mendenhall, Mock, Moffitt, Moring, Moseley, Mullen, Page, Parrott,

Patton, Pinnix, Presson, Proffitt, Reid, Scott, Sharpe, Smith of Anson, Smith of Hyde, Staples, Staton, Stephenson, Stowe, Strong, Tate, Thompson of Lincoln, Trivett, Walden, Walker of Richmond, Walker of Tyrrell, Wells, Whisnant, White, Whitley, Wiley, Wood, Woodhouse and Young—79.

The following gentlemen voted in the negative:

Messrs. Atwater, Blythe, Bunn, Carter, Cary, Crews, Good, Hill, Hughes, Jones, Latta, Lloyd and Norment—13.

Mr. Means moved to reconsider the vote by which the bill passed, and to lay that motion on the table.

The motion to table prevailed.

By consent, Mr. Strong: A bill to authorize the Supreme Court to issue writs of certiorari in certain cases. Placed on the calendar.

On motion of Mr. Walker, of Tyrrell, his resolution adjourning sine die on the 22d instant, was taken up.

Mr. Boyd moved to amend by striking out "22d" and inserting "15th."

Mr. Barnett moved to amend the amendment by striking out "15th" and inserting "29th."

The amendment to the amendment was put to a vote and rejected.

The question recurred on Mr. Boyd's amendment.

Mr. Boyd called the yeas and nays.

The call was not sustained, and the amendment was put to a vote and rejected.

Mr. Gash moved to amend the resolution by inserting the words "12 o'clock M.," which was accepted.

The question recurred on the original resolution.

On the call of Mr. Walker, of Tyrrell, the yeas and nays were had, and the resolution was adopted by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Atwater, Barnett, Barnhardt of Caldwell, Bernheardt of Rowan, Bennett, Bettis, Bizzell, Blythe, Brewington, Boyd, Bryan, Bryson, Bunn, Candler, Carson, Carter, Cary, Crews, Davis of Haywood, Davis of Jackson, Dortch,

Dula, Eatman, Elliott, Erwin, Etheridge, Fields, Finger, Foote, Freeman, Gaither, Garrison, Gash, Glenn, Godwin, Good, Green, Griffin, Gudger, Hanner, Harrison, Haymore, Hicks, Hill, Hughes, Hurley, Isler, Jessup, Jones, Kendall, King, Latta, Lloyd, Martin, McCalop, McCubbins, McIver, McNeill, McRae, Means, Mebane, Mendenhall, Mock, Moffitt, Moring, Moseley, Mullen, Munden, Norment, Oaksmith, Page, Parker, Parrott, Patton, Pinnix, Presson, Proffitt, Reid, Scott, Shackelford, Sharpe, Smith of Anson, Smith of Hyde, Spears, Staples, Staton, Stephenson, Stowe, Strong, Tate, Thompson of Lincoln, Trivett, Walden, Walker of Richmond, Walker of Tyrrell, Ward, Wells, Wheeler, Whisnant, White, Whitley, Wiley, Wood, Woodhouse and Young—107.

Negative none.

By consent, Mr. Robinson: A resolution of instruction to the Judiciary Committee. Placed on the calendar.

H. B. No. 823: A bill to authorize the Supreme Court to issue writs of certiorari in certain cases, was taken up, and passed its several readings.

Mr. Strong moved to reconsider the vote by which the bill passed, and to lay that motion on the table.

The motion to table prevailed, and the bill was ordered to be sent to the Senate without engrossment.

By consent, Mr. Pinnix, from the Judidiciary Committee, reported a substitute for

House Bills Nos. 734, 733, 497 and 468, bills in reference to lunatics in the several counties of the State.

The hour of twelve having arrived, the Speaker announced the first

### SPECIAL ORDER,

Being the substitute from the Committee on Propositions and Grievances for the various bills introduced in this House on the subject of prohibition, and known as the "Omnibus Liquor Bill."

Mr. Means offered the following amendment: Amend by inserting within four miles of Poplar Tent church, in Cabarrus county; and the amendment was adopted, and the following other amendments were offered and adopted:

By Mr. Young: Insert "within one mile of Shiloh church,

in Mitchell county."

By Mr. Carson: Insert "in or within one and a half miles of Taylorsville, Alexander county."

By Mr. Boyd: Amend by striking out "not less than \$10 nor more than \$50," and insert "not more than \$50."

By Mr. Latta: Amend by inserting "within two miles of Knap of Reeds church and Academy, in Granville county."

By Mr. Fields: Amend by saying "within two miles of Mount Carmel church, in Alleghany county."

By Mr. Griffin: Amend by inserting,

Provided, That the provisions of this act shall not be construed to pevent the giving away spirituous liquors within three miles of Mount Pleasant church and Stanhope Academy, in Nash county, in private families.

# By Mr. Harrison:

Provided, That this act shall not prevent any person giving any person liquor within three miles of Pelham church, Caswell county.

By Mr. Boyd: Amend section 2 by striking out "not less than ten days."

By Mr. Smith, of Anson: Amend by saying "Mount Olive church, Lebanon church and White's Store Academy, in Anson county."

By Mr. Whitley:

Provided, That the provisions of this bill shall not apply to the making or giving away of spirituous liquors within three miles of Hopkins Chapel, in Wake county.

By Mr. Davis of Jackson: Amend by adding "three miles of Mount Pleasant Baptist church, Scott's creek, Jackson county, three miles of School House District No. 2, near W. R. Crawford's.

By Mr. Proffitt: "Strike out Bald Creek church," and insert "Bald Creek school house," in the county of Yancey.

Mr. Means offered an amendment.

Mr. Gudger demanded the previous question, and the call was sustained, and the previous question was ordered.

The question was on the amendment last offered by Mr. Means, and by consent of the House, it was withdrawn.

Mr. Glenn offered the following amendment:

Amend by inserting "that in order to a conviction under the provisions of this act, it shall be proven on the trial of the case that the violation of this act was knowingly and wilfully done.

On his amendment, Mr. Glenn demanded the yeas and nays.

The call was sustained, and the amendment was rejected by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Barnett, Bizzell, Boyd, Brewington, Bunn, Carter, Cary, Crews, Dula, Foote, Glenn, Godwin, Good, Hanner, Harrison, Hill, Hughes, Jones, Lloyd, McIver, McNeill, Munden, Norment, Wheeler, Whisnant, White and Whitley—27.

The following gentlemen voted in the negative:

Messrs. Anderson, Atwater, Barnhardt of Caldwell, Bernheart of Rowan, Bennett, Bettis, Blythe, Bryson, Candler, Carson, Davis of Haywood, Davis of Jackson, Dortch, Eatman, Elliott, Erwin, Etheridge, Fields, Finger, Freeman, Garrison, Gash, Green, Griffin, Gudger, Haymore, Hicks, Hooker Hurley, Isler, Jessup, Johnston, Kendall, King, Latta, Martin, McCalop, McCubbins, McRae, Mebane, Mendenhall, Mock, Moffitt, Moring, Moseley, Mullen, Newell, Page, Parker, Patton, Pinnix, Presson, Proffitt, Reid, Scott, Sharp, Smith of Anson, Smith of Hyde, Staton, Staples, Stephenson, Stowe, Strong, Tate, Thompson of Lincoln, Trivett, Walden, Walker

of Richmond, Walker of Tyrrell, Wells, Wiley, Woodhouse and Young-74.

The question then recurred on the adoption of the substitute, and it prevailed, and the bill so substituted was put on its third reading.

Upon its passage, Mr. Eatman demanded the yeas and nays. The call was not sustained, and the bill passed its third reading, and was ordered to be engrossed and sent to the Senate.

Mr. Gudger moved that the vote by which the bill passed its third reading be reconsidered, and that motion be laid on the table.

The motion to table prevailed.

Mr. Wiley moved that when the House adjourns, it adjourn to meet at half-past seven o'clock to night, and the motion was adopted.

By consent, Mr. Foote introduced a bill to incorporate the Piedmont and Yadkin Valley Railroad Company, which was referred to the Committee on Internal Improvements.

By consent, Mr. King introduced a bill to citizenize certain Indians belong to the eastern band of Cherokees in North Carolina, which was referred to the Committee on the Judiciary.

### THE SPECIAL ORDER,

Being S. B. No. 135: A bill for the adjustment of the State debt, was announced, and discussed until the hour of adjournment,

Mr. Boyd being entitled to the floor at the opening of the night session.

# EVENING SESSION.

WEDNESDAY, March 10th, 1875.

The House was called to order at 7:30 o'clock, Mr. Gash in the chair.

The unfinished business of the morning was taken up.

Mr. Boyd had the floor. By consent of the House, he withdrew the amendment offered by him this morning, and submitted the following:

"Provided, That any and all bonds mentioned in this act which shall not be surrendered under the provisions of this act and within the time limited, are hereby declared to be null and void, and to constitute no part of the debt of the State."

Add a section, as follows:

"That all bonds of the class denominated as 'Special Tax Bonds,' now held against the State of North Carolina, are hereby declared to be void and of no binding effect, and the same are hereby repudiated."

Mr. Staples offered an amendment, which was read for the information of the House.

Mr. Gudger offered the following as a substitute for the amendment of Mr. Boyd:

Provided, That this bill shall have no force or effect until the same shall have been submitted to the qualified voters of the State at a regular election to be held the first Thursday in August, 1875. Those favoring the bill voting a ballot upon which shall be written or printed the word "ratification;" those opposing, a ticket upon which is written or printed the words "no ratification," all persons being entitled to vote who are qualified to vote for members of the General Assembly; said election to be held under the same rules and regulations as now govern elections: Provided further, That if a majority of the votes so cast shall be for ratification, then the creditors herein specified may accept the terms herein offered; but if the creditors fail or refuse to accept the same within the time herein limited, then and in that case the entire debt of

the State of North Carolina is hereby declared null and void, and no part of the same shall ever be paid.

On the call of Mr. Gudger, the previous question was ordered.

The question recurred on Mr. Boyd's amendment.

On motion of Mr. Boyd, the question was divided, and the first amendment was rejected by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Barnett, Bettis, Bizzell, Boyd, Brewington, Bunn, Carson, Carter, Cary, Crews, Dula, Fields, Foote, Gaither, Glenn, Godwin Good, Green, Hanner, Haymore, Hughes, Jones, Latta, Lloyd, McIver, McNeill, Mizell, Munden, Norment, Shackelford, Sharpe, Smith of Hyde, Trivett, Wells, White, Whitley and Wood—37.

The following gentlemen voted in the negative:

Messrs. Anderson, Atwater, Barnhardt of Caldwell, Bernheardt of Rowan, Bennett, Blythe, Bryan, Bryson, Candler, Davis of Haywood, Davis of Jackson, Dortch, Eatman, Elliott, Erwin, Etheridge, Finger, Freeman, Garrison, Gash, Griffin, Harrison, Hicks, Hill, Hooker, Hurley, Isler, Jessup, Johnston, Kendall, King, Martin, McCalop, McCubbins, McRae, Means, Mebane, Mendenhall, Mock, Moffitt, Moring, Moseley, Mullen, Newell, Parker, Patton, Pinnix, Presson, Proffitt, Reid, Scott, Smith of Anson, Staples, Staton, Stowe, Strong, Tate, Thompson of Lincoln, Walden, Walker of Tyrrell, Whisnant, Wiley, Woodhouse and Young—64.

The question was put on the second amendment of Mr. Boyd's, and it was rejected by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Barnett, Bettis, Boyd, Brewington, Bunn, Carson, Carter, Cary, Crews, Dula, Eatman, Elliott, Erwin, Fields, Foote. Gaither, Glenn, Godwin, Good, Green, Griffin, Gudger, Hanner, Haymore, Jones, Latta, Mizell, Munden, Norment, Richardson, Scott, Shackelford, Sharpe, Trivett, Walden, Wells, White and Wood—38.

The following gentlemen voted in the negative:

Messrs. Anderson, Atwater, Barnhardt of Caldwell, Bernheardt of Rowan, Bennett, Bizzell, Blythe, Bryan, Bryson, Candler, Davis of Haywood, Davis of Jackson, Dortch, Etheridge, Finger, Freeman, Garrison, Gash, Harrison, Hicks, Hill, Hooker, Hurley, Isler, Jessup, Johnston, Kendall, King, Lloyd, Martin, McCalop, McCubbins, McIver, McNeill, McRae, Means, Mebane, Mendenhall, Mock, Moffitt, Moring, Mullen, Newell, Parker, Parrott, Patton, Pinnix, Presson, Proffitt, Reid, Smith of Anson, Staples, Staton, Stowe, Strong, Tate, Thompson of Lincoln, Walker of Tyrrell, Ward, Whisnant, Whitley, Wiley, Woodhouse and Young—64.

The question recurred on Mr. Gudger's amendment, which was put to a vote and rejected. The following is the vote:

The following gentlemen voted in the affirmative:

Messrs. Barnett, Boyd, Brewington, Bunn, Carson, Carter, Cary, Crews, Dula, Elliott, Glenn, Godwin, Gudger, Hill, Hughes, Jones, Lloyd, Mizell, Munden, Norment, Scott, Shackelford, Smith of Anson, Smith of Hyde, Trivett, Walden, Wheeler, White and Whitley—28.

The following gentlemen voted in the negative:

Messrs. Anderson, Atwater, Barnhardt of Caldwell, Bernheardt of Rowan, Bennett, Bettis, Bizzell, Bryan, Bryson, Candler, Davis of Haywood, Davis of Jackson, Dortch, Eatman, Erwin, Etheridge, Fields, Finger, Foote, Freeman, Gaither, Garrison, Gash, Good, Green, Griffin, Hanner, Harrison, Haymore, Hicks, Hooker, Isler, Jessup, Johnston, Kendall, King, Latta, Martin, McCalop, McCubbins, McIver, McNeill, McRae, Means, Mebane, Mendenhall, Mock, Moffitt, Moring, Moseley, Mullen, Newell, Oaksmith, Parker, Parrott, Patton, Pinnix, Presson, Proffitt, Reid, Sharpe, Staples, Staton, Stowe, Strong, Tate, Thompson of Lincoln, Walker of Tyrrell, Ward, Wells, Whisnant, Wiley, Wood, Woodhouse and Young—76.

Mr. Staples offered the following amendment, of which notice had been given: Strike out in line 32, sub-division 1, section

1, the word "forty" and insert "thirty-three and one-third."
The amendment was put and rejected by the following vote:
The following gentlemen voted in the affirmative:

Messrs. Atwater, Barnett, Bernheardt of Rowan, Bizzell, Blythe, Boyd, Brewington, Bunn, Carson, Carter, Crews, Dula, Eatman, Fields, Foote, Gaither, Garrison, Glenn, Good, Green, Griffin, Gudger, Hanner, Haymore, Hill, Hughes, Hurley, Kendall, Latta, McCubbins, McNeill, Mizell, Moffitt, Moseley, Mullen, Proffitt, Scott, Sharpe, Smith of Anson, Staples, Trivett, Walden, Ward, Wells, Wheeler, Whisnant, White, Whitley and Wood—49.

The following gentlemen voted in the negative:

Messrs. Anderson, Barnhardt of Caldwell, Bennett, Bettis, Bryan, Bryson, Candler, Cary, Davis of Haywood, Davis of Jackson, Dortch, Elliott, Erwin, Etheridge, Finger, Freeman, Gash, Godwin, Harrison, Hicks, Hooker, Isler, Jessup, Johnston, Jones, King, Lloyd, Martin, McCalop, McIver, McRae, Means, Mebane, Mendenhall, Mock, Moring, Munden, Newell, Oaksmith, Parker, Parrott, Patton, Pinnix, Presson, Reid, Shackelford, Smith of Anson, Staton, Stowe, Strong, Tate, Thompson of Lincoln, Walker of Tyrrell, Wiley, Woodhouse and Young—56.

The bill then passed its third reading by the following vote, and was ordered to be engrossed and sent to the Senate for concurrence in the House amendment:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Barnett, Barnhardt of Caldwell, Bernheardt of Rowan, Bennett, Bettis, Bizzell, Blythe, Boyd, Bryan, Bryson, Candler, Davis of Haywood, Davis of Jackson, Dortch, Eatman, Elliott, Erwin, Etheridge, Finger, Freeman, Gaither, Garrison, Gash, Green, Griffin, Gudger, Hanner, Harrison, Hicks, Hill, Hooker, Hurley, Isler, Jessup, Johnston, Kendall, King, Martin, McCalop, McCubbins, McIver, McNeill, McRae, Means, Mebane, Mendenhall, Mizell, Mock, Moffitt, Moring, Moseley, Mullen, Munden, Oaksmith, Page, Parker, Parrott, Patton, Pinnix, Presson, Proffitt, Reid, Scott,

Shackelford, Smith of Anson, Smith of Hyde, Staples, Staton, Stephenson, Stowe, Strong, Tate, Thompson of Lincoln, Trivett, Walker of Richmond, Walker of Tyrrell, Ward, Wells, Whitley, Wiley, Wood, Woodhouse and Young—85.

The following gentlemen voted in the negative:

Messrs. Atwater, Brewington, Bunn, Carson, Carter, Crews, Dula, Fields, Foote, Glenn, Godwin, Good, Haymore, Hughes, Latta, Lloyd, Newell, Norment, Sharp, Walden, Wheeler, Whisnant and White—24.

Mr. Patton moved to reconsider, and to lay that motion on the table.

The motion to table prevailed.

A message was received from the Senate transmitting the following, and asking concurrence therein:

S. B. No. 770: A bill to authorize the commissioners of Northampton county to levy a special tax;

S. B. No. 732: A bill to amend section 6, chapter 105, Battle's Revisal;

S. R. No. 841: A resolution to pay the actual expenses of the Committee on Western Insane Asylum;

Engrossed Senate amendments to S. B. No. 737, H. B. No. 674: A bill for the protection of birds, &c.;

S. R. No. 864: A resolution to pay J. E. Morris;

S. B. No. 581: A bill to incorporate the Mecklenburg Centennial Association.

They were read the first time, and disposed of as follows:

S. R. No. 841, was placed on the calendar;

S. R. No. 864, to the Committee on Claims;

S. B. No. 732, to Salaries and Fees;

S. B. No. 770, to Finance;

S. B. No. 581, placed on the calendar.

On motion of Mr. Pinnix, the House refused to concur in the first Senate amendment to S. B. No. 737, H. B. No. 674, and concurred in the two others.

On motion, the House adjourned until to-morrow at 10 o'clock, A. M.

# SEVENTY-SIXTY DAY.

THURSDAY, March 11th, 1875.

The House was called to order at 10 A. M., Mr. Speaker Robinson in the chair.

Prayer by Rev. Mr. Rich, of the city.

The Journal of yesterday was read and approved.

### REPORTS OF STANDING COMMITTEES.

Mr. McRae, from the Committee on Internal Improvements, reported favorably on the following:

S. B. No. 551, H. B. No. 628: A bill to incorporate the Rutherford Manufacturing Company;

H. B. No. 808: A bill to authorize the Atlantic and North Carolina Railroad Company to build a branch road;

H. B. No. 807: A bill to authorize the authorities in charge of the Eastern Division of the Western North Carolina Railroad Company to pay moneys in the treasury of the same to the proper authorities.

Mr. Wheeler, from the Committee on Public Buildings and Grounds, reported favorably on

S. R. No. 835, H. R. No. 213: A resolution concerning the out-house of the capitol.

Mr. Moring, from the Committee on Privileges and Elections, reported unfavorably on

H. B. No. 495: A bill to amend chapter 52, Battle's Revisal;

Mr. Carson, from the Committee on Corporations, reported favorably on

S. B. No. 717, H. B. No. 817: A bill to incorporate the Wilmington and New River Steam Navigation Company;

Mr. Tate, from the Committee on Finance, reported favorably on

H. B. No. 819: A bill for the relief of E. P. Powell and S. F. Hawley, &c.; and on

H. B. No. 818: A bill to authorize the commissioners of Cumberland county to refund their debt;

S. B. No. 816, H. B. No. 788: A bill to authorize the commissioners of Washington county to levy a special tax; asking to be discharged from its further consideration; and on

S. B. No. 619, H. B. No. 722: A bill for the relief of disabled soldiers, recommending the adoption of an accompanying substitute therefor.

Mr. Means, from the Judiciary Committee, reported fa-

vorably on

H. B. No. 809: A bill to punish willful burning of houses; S. B. No. 290, H. B. No. 814: A bill in regard to compromises;

H.B. No. 769: A bill to amend chapter 56, Battle's Revisal; and unfavorably on

S. B. No. 486, H. B. No. 741: A bill concerning Battle's Revisal.

Mr. Pinnix, from the same Committee, reported favorably on

S. B. No. 592, H. B. No. 813: A bill to allow Catawba Springs township, Lincoln county, an additional justice of the peace;

H. B. No. 773: A bill to vest lands purchased by the State for taxes in the trustees of the University; and unfavorably on

H. B. No. 618: A bill in relation to the venue of actions against insurance companies;

H. B. No. 772: A bill to validate certain marriages in Randolph county; and on

S. B. No. 532, H. B. No. 782: A bill to prevent trespasses on real estate in certain cases.

Mr. Barnhardt, of Caldwell, from Committee on Propositions and Grievances, reported favorably on

H. B. No. 802: A bill for the relief of C. W. Mays, sheriff of Alexander county;

H. B. No. 824: A bill to restore the charter of the town of Beaufort, Carteret county;

S. B. No. 407, H. B. No. 821: A bill to amend section 52, chapter 87, Battle's Revisal, and favorably with amendment, on

H. B. No. 795: A bill amendatory of an act concerning a turnpike from Marion, McDowell county, to Burnsville, Yancey county; and on

H. B. No. 804: A bill to prohibit the giving or selling of liquors within three miles of Shocco chapel, Warren county; and unfavorably on

S. B. No. 639, H. B. No. 614: A bill to repeal the prohibitory law in Trenton, Jones county; and on

H. B. No. 803: A bill to promote the growth of factories by preventing the sale of liquor thereat.

Mr. Walker, of Richmond, from the Judiciary Committee, reported on

H. B. No. 431: A bill concerning the allotment of dower, recommending the adoption of the accompanying substitute.

Mr. King, from the Committee on Engrossed Bills, reported the following bills as being correctly engrossed, and they were ordered to be sent to the Senate for concurrence:

H. B. No. 820: A bill supplemental to the act in reference to live stock running at large in Cabarrus and certain other counties;

H. B. No. 806: A bill to define the jurisdiction of the mayor of Salisbury;

Engrossed House amendments to

S. B. No. 135, H. B. No. 659: A bill to compromise, commute and settle the State debt.

The following bills, reported as correctly enrolled by the Committee on Enrolled Bills, were duly ratified and transmitted to the Senate:

An act to amend an act ratified the 28th December, 1838, entitled an act to amend an act to establish a literary and manual labor institution, in the county of Wake, passed 1833;

An act to amend the charter of the city of Newbern.

Mr. Carson, from the Committee on Corporations, submitted an additional report, recommending the passage of

H. B. No. 764: A bill to incorporate the Dan River Navigation Company, after the adoption of accompanying amendments.

#### INTRODUCTION OF RESOLUTIONS.

By Mr. Mendenhall: Resolution of instruction to the State Treasurer. Placed on the calendar.

By Mr. Barnhardt, of Caldwell: Resolution in favor of Sidney Deal, of Caldwell county, &c. Referred to the Committee on Propositions and Grievances.

By Mr. Munden: Resolution in favor of J. T. Price, of Pasquotank county. Placed on the calendar.

#### INTRODUCTION OF BILLS.

By Mr. McIver: A bill supplemental to an act to compromise, commute and settle the State debt. Referred to Committee on State debt.

By Mr. Boyd: A bill to exchange the State's stock in the North Carolina Railroad Company for the construction bonds of said Railroad. Referred to the Committee on State debt.

By Mr. Pinnix: A bill concerning idiots. Referred to the Judiciary Committee.

By Mr. Parrott: A bill in relation to the fees of Registers of Deeds, in certain cases. Referred to the Committee on Salaries and Fees.

By Mr. Walker, of Richmond: A bill to amend chapter 137, laws of 1873-'74. Referred to the Committee on Propositions and Grievances.

By consent, Mr. Means, a resolution in reference to J. Williams Thorne. Placed on the calendar.

Mr. Gudger arose to a question of personal privilege, in regard to a report of his remarks as published in the Daily News.

Mr. Page and Mr. Stephenson were allowed to record their votes in the affirmative on the passage of the bill providing for the settlement of the public debt.

Leave of absence was granted to Mr. Bryson from and after Monday next.

On motion, the calendar was placed at the disposition of the Speaker for the remainder of this day's session.

On motion of Mr. McRae, it was resolved that when this House adjourns, it adjourn to 7:30 o'clock this evening.

The calendar was taken up and H. B. No. 695: A bill to amend the charter of Elizabeth City, in the county of Pasquotank, was put on its third reading, and passed by the following vote, and was ordered to be engrossed and sent to the Senate.

The following gentlemen voted in the affirmative:

Messrs. Atwater, Barnett, Barnhardt of Caldwell, Bernheardt of Rowan, Bennett, Bettis, Bizzell, Blythe, Boyd, Brewington, Bryan, Bunn, Candler, Carson, Carter, Cary, Davis of Haywood, Davis Jackson, Dortch, Dula, Eatman, Erwin, Etheridge, Fields, Finger, Foote, Freeman, Gaither, Garrison, Gash, Glenn, Godwin, Good, Green, Griffin, Gudger, Hanner, Harrison, Haymore, Hicks, Hill, Holt, Hooker, Hughes, Hurley, Isler, Johnston, Jones, Kendall, King, Latta, Lloyd, Martin, McCalop, McCubbins, McIver, McNeill, Mc-Rae, Means, Mebane, Mendenhall, Mizell, Mock, Moffitt, Moring, Moseley, Munden, Newell, Norment, Page, Parker, Parrott, Patton, Pinnix, Presson, Proffitt, Reid, Scott, Shackelford, Sharpe, Smith of Hyde, Spears, Staples, Staton, Stephenson, Stowe, Strong, Tate, Thompson of Lincoln, Walden, Walker of Richmond, Walker of Tyrrell, Ward, Wells, Wheeler, Whisnant, White, Whitley, Wiley, Wood, Woodhouse and Young-101.

The following gentleman voted in the negative:

Messrs. Anderson and Mullen-2.

Mr. Mullen entered a motion to reconsider the vote by which the bill passed its third reading.

Mr. Bettis moved that S. B. No. 691, to compel the comple-

tion of the Carolina Central Railway to Shelby, be taken from the calendar and made special order for to-morrow at 12 o'clock M., and it was so ordered.

H. B. No. 792: A bill to authorize the commissioners of Macon county to levy a special tax, was put on its third reading and passed by the following vote, and was ordered to be engrossed:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Atwater, Barnett, Barnhardt of Caldwell, Bernheardt of Rowan, Bennett, Bettis, Bizzell, Blythe, Brewington, Bryan, Bryson, Candler, Carson, Carter, Cary, Davis of Haywood, Davis of Jackson, Dortch, Dula, Eatman, Elliott, Erwin, Etheridge, Fields, Finger, Freeman, Gaither, Garrison, Gash, Glenn, Godwin, Good, Green, Griffin, Gudger, Hanner, Harrison, Haymore, Hicks, Hill, Holt, Hooker, Hughes, Hurley, Isler, Jones, Kendall, King, Latta, Lloyd, Martin, Mc-Calop, McCubbins, McIver, McNeill, McRae, Means, Mebane, Mendenhall, Mizell, Mock, Moffitt, Moring, Mullen, Munden, Newell, Norment, Page, Parker, Parrott, Patton, Pinnix, Presson, Proffitt, Reid, Shackelford, Sharpe, Smith of Anson, Smith of Hyde, Staples, Stephenson, Stowe, Tate, Thompson of Beaufort, Thompson of Lincoln, Trivett, Walden, Walker of Richmond, Walker of Tyrrell, Ward, Wells, Wheeler, Whisnant, White, Whitley, Wiley, Wood, Woodhouse and Young-100.

Mr. Bunn voted in the negative.

Mr. Jessup was announced as detained in his room by illness. H. B. No. 477: A bill to incorporate the town of Great Falls, in the county of Richmond, was, on motion of Mr. Walker, of Richmond, laid on the table.

H. R. No. 202: Resolution in regard to rules of order, was put on its reading and adopted.

H. B. No. 778: A bill to amend the lines between the counties of Mitchell and Yancey was taken up, and the amendments of the committee were adopted.

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On motion of Mr. Proffitt, the bill was re-committed to the Committee on Counties, Cities, Towns and Townships.

## SPECIAL ORDER,

Was then taken up, being H. B. No. 691: A bill in relation to the land scrip fund.

Mr. Mendenhall offered a substitute, which was adopted.

Mr. Blythe offered an amendment, which the Speaker ruled not to be germain to the bill proposed to be amended, and it was not considered by the House.

On the passage of the bill on its second reading, Mr. Mendenhall moved the previous question.

The call was sustained, and the bill failed to pass by the following vote, Mr. King demanding the yeas and nays.

The following gentlemen voted in the affirmative:

Messrs. Atwater, Bennett, Bizzell, Dortch, Erwin, Fields, Finger, Freeman, Gudger, Hanner, Holt, Johnston, Latta, Martin, McCubbins, McIver, McNeill, McRae, Means, Mebane, Mendenhall, Mock, Moring, Mullen, Oaksmith, Page, Patton, Pinnix, Presson, Reid, Smith of Anson, Spears, Staples, Staton, Stephenson, Strong, Tate, Thompson of Lincoln, Walker of Richmond, Whitley and Wiley—41.

The following gentlemen voted in the negative:

Messrs. Barnett, Barnhardt of Caldwell, Bernheardt of Rowan, Bettis, Blythe, Boyd, Brewington, Bryan, Bryson, Bunn, Candler, Carson, Carter, Cary, Davis of Haywood, Davis of Jackson, Dula, Eatman, Elliott, Etheridge, Foote, Gaither, Garrison, Gash, Glenn, Good, Green, Griffin, Harrison, Haymore, Hicks, Hill, Hooker, Hughes, Isler, Jones, Kendall, King, Lloyd, McCalop, Mizell, Moseley, Munden, Norment, Parker, Proffitt, Scott, Shackelford, Sharpe, Stowe, Trivett, Walden, Walker of Tyrrell, Wells, Whisnant, White, Wood and Woodhouse—58.

Mr. Norment moved to re-consider the vote by which the bill failed to pass; and

Mr. Boyd moved to lay that motion on the table.

On the motion to table, Mr. McRae demanded the yeas and nays.

The call was sustained, and the House refused to table by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Barnhardt of Caldwell, Bettis, Blythe, Boyd, Brewington, Bryson, Bunn, Candler, Carson, Carter, Cary, Davis of Haywood, Davis of Jackson, Dula, Eatman, Elliott, Etheridge, Foote, Gaither, Garrison, Gash, Good, Green, Griffin, Harrison, Hicks, Hill, Hooker, Hughes, Jones, Kendall, King, Lloyd, Mizell, Parker, Presson, Scott, Sharpe, Smith of Hyde, Stowe, Trivett, Walden, Walker of Tyrrell, Whisnant, White, Wood, Woodhouse and Young—48.

The following gentlemen voted in the negative:

Messrs. Anderson, Atwater, Barnett, Bernheardt of Rowan, Bizzell, Bryan, Dortch, Erwin, Fields, Finger, Freeman, Glenn, Gudger, Hanner, Haymore, Holt, Hurley, Isler, Johnston, Latta, Martin, McCalop, McCubbins, McIver, McNeill, McRae, Means, Mebane, Mendenhall, Mock, Moffitt, Moring, Moseley, Mullen, Munden, Norment, Oaksmith, Page, Patton, Pinnix, Proffitt, Reid, Shackelford, Smith of Anson, Spears, Staples, Staton, Stephenson, Strong, Tate, Thompson of Lincoln, Walker of Richmond, Whitley and Wiley—54.

The question then recured on the motion to reconsider, and

it prevailed by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Atwater, Barnett, Barnhardt of Caldwell, Bernheardt of Rowan, Bennett, Bizzell, Bryan, Dortch, Erwin, Fields, Finger, Freeman, Gash, Griffin, Gudger, Hanner, Holt, Hooker, Hurley, Isler, Johnston, Latta, Martin, McCalop, McCubbins, McIver, McNeill, McRae, Means, Mebane, Mendenhall, Mock, Moffitt, Moring, Moseley, Mullen, Norment, Oaksmith, Patton, Pinnix, Reid, Shackelford, Smith of Anson, Smith of Hyde, Spears, Staples, Staton, Stephenson, Strong,

Smith of Hyde, Spears, Staples, Staton, Stephenson, Strong, The way that the state of the state

Tate, Thompson of Beaufort, Thompson of Lincoln, Walker of Richmond, Wells, Whitley and Wiley—58.

The following gentlemen voted in the negative:

Messrs. Bettis, Blythe, Boyd, Brewington, Bryson, Bunn, Candler, Carson, Carter, Cary, Davis of Haywood, Davis of Jackson, Dula, Eatman, Elliott, Etheridge, Foote, Gaither, Garrison, Good, Green, Harrison, Haymore, Hicks, Hill, Hughes, Jones, Kendall, King, Lloyd, Mizell, Munden, Parker, Presson, Proffitt, Scott, Sharpe, Stowe, Trivett, Walden, Walker of Tyrrell, Whisnant, White, Wood, Woodhouse and Young—46.

And the bill was ordered to be made special order for Monday next at 12

Mr. Boyd rose to a question of personal privilege.

S. R. No. 841, H. R. No. 211: A joint resolution to pay the actual expenses of the Committee on the Western Insane Asylum, was put on its several readings and passed, and was ordered to be enrolled for ratification.

H. R. No. 208: A resolution of instruction to the Judiciary Committee, was put on its passage and adopted.

H. B. No. 690: A bill to amend chapter 63, Battle's Revisal, entitled "Justices and their jurisdiction," was taken up and passed its second reading.

On the third reading of the bill, Mr. Lloyd offered an amendment excepting New Hanover county from the provisions of the bill.

The amendment was rejected, and the bill passed its third reading, and was ordered to be engrossed.

H. B. No. 702: A bill to incorporate the vestry of Calvary church, Wadesboro, N. C., was taken up, passed its several readings, and was ordered to be engrossed.

H. B. No. 384: A bill to amend chapter 113, laws of 1868-'69, was taken up, passed its several readings, and was ordered to be engrossed.

H. R. No. 165: A resolution in favor of night sessions, was taken up.

Mr. Page moved to amend by striking out the words "Mon-

day, Wednesday and Thursday nights" and inserting "every night except Sunday night." The amendment was accepted.

Mr. Gudger moved to strike out "Saturday night." The

amendment was accepted, and the resolution adopted.

H. B. No. 758: A bill to enable the Bureau of Immigration, Statistics and Agriculture to obtain certain information, &c., was taken up and passed its second reading.

Under a suspension of the rules, the bill came up on its

third reading.

On motion of Mr. Tate, it was referred to the Committee on Finance.

H. R. No. 195: A resolution in favor of G. J. Williams, sheriff of Chatham county, was taken up, passed its several readings, and was ordered to be engrossed.

H. B. No. 599: A bill to incorporate the town of Woodville, Perquimans county, was taken up.

Mr. Mullen moved to lay the bill on the table. The motion did not prevail.

The amendments recommended by the committee were adopted, and the bill passed its second reading.

Under a suspension of the rules, the bill came up on its third reading.

Mr. Mullen moved to refer the bill to the Committee on Corporations.

The motion did not prevail, and the bill passed its third reading, and was ordered to be engrossed.

H. B. No. 769: A bill to amend chapter 56, Battle's Revisal, was taken up.

Amendments were offered to exempt the following counties rom the operation of the bill:

Yadkin, Edgecombe, Caswell, Northampton, Rockingham, New Hanover, Wilkes, Swain, Jackson, Buncombe, Haywood, Bladen, Pasquotank, Ashe, Halifax, Hertford, Martin, Yancey, Bertie, Person, Perquimans, Rutherford, Henderson, Cherocee, Graham, Warren and Granville. On motion of Mr. Boyd, the whole matter was laid on the table.

On motion, the House adjourned until this evening at half past 7 o'clock.

# EVENING SESSION.

The House was called to order at half past 7 o'clock by Mr. Speaker Robinson.

Mr. Trivett, from the Committee on Engrossed Bills, reported

H. B. No. 417: A bill concerning inspectors of timber, as correctly engrossed, and it was ordered to be sent to the Senate for concurrence.

S. B. No. 551: A bill to incorporate the Rutherford Manufacturing Company, was taken up, passed its several readings, and was ordered to be enrolled for ratification.

H. B. No. 808: A bill to authorize the Atlantic and North Carolina Railroad Company to construct a branch road, was taken up, passed its several readings, and was ordered to be engrossed.

Mr. Scott moved to reconsider the vote by which the bill passed its third reading, and to lay that motion on the table. The latter motion prevailed.

S. B. No. 619: A bill in relation to disabled soldiers, was taken up.

The substitute, offered by the Committee on Finance, was rejected.

The amendments, recommended by the Committee on Propositions and Grievances, were adopted.

The question next recurred on Mr. Norment's amendment in relation to soldiers of the late Confederacy who have lost eyes, which was put to a vote and adopted.

The bill then passed its second reading.

Under a suspension of the rules, the bill came up on its third reading.

Mr. White offered the following amendment, which was rejected:

"All persons that lost a leg or arm in actual service during the last war in or out of the army; that lost a leg or arm in aid or support of the late war, regardless of what army they supported, or of what race or color the person or persons may be, so said persons are now living in the State of North Carolina, and has lived in said State twelve months previous to this act."

Mr. Lloyd moved to amend by providing that the proposed act should be so construed as to allow each widow and child, who is now without a home, \$75 each.

The amendment was rejected.

On the call of Mr. Tate, the previous question was ordered.

On motion, Mr. Mendenhall was excused from voting.

The bill then passed its third reading, and was ordered to be engrossed and sent to the Senate for concurrence in the House amendments.

Mr. Whitley moved to reconsider the vote by which the bill passed, and to lay that motion on the table.

The motion to table prevailed.

By consent, Mr. Gudger: A resolution in favor of S. Trivett. Placed on the calendar.

On motion of Mr. McRae, the House went into the Committee of the Whole on H. B. No. 647, a bill to raise revenue.

The committee after deliberation, on motion of Mr. Young, rose, the chairman reported progress, and begged leave to sit again.

On motion of Mr. McRae, the House adjourned until tomorrow at 10 A. M.

# SEVENTY-SEVENTH DAY.

FRIDAY, March 12th, 1875.

The House met at 10 o'clock, Mr. Speaker Robinson in the chair.

The reading of the Journal of yesterday was dispensed with.

#### PETITIONS.

By Mr. Carter: A petition from citizens of Warren county praying the enactment of a law prohibiting the sale of liquor within five miles of Shocco Chapel, in said county, which was referred to the Committee on Propositions and Grievances.

## REPORTS OF STANDING COMMITTEES.

Mr. Gudger, from the Committee on Propositions and Grievances, reported favorably on

H. B. No. 836: A bill to amend chapter 137, laws 1873-'74.

Mr. Reid, from the Committee on Claims, reported favorably on

H. R. No. 218: A resolution in favor of S. Trivett

Mr. Carson, from the Committee on Corporations, reported unfavorably on

H. B. No. 805: A bill to facilitate the incorporation of narrow gauge railroads, and for other purposes.

Mr. Means, from the Judiciary Committee, reported tavorably on

S. B. No. 314, H. B. No. 759: A bill to repeal an act incorporating the North Carolina Beneficial Association.

Mr. Walker, of Richmond, from the Committee on Salaries and Fees, reported favorably on

S. B. No. 732, H. B. No. 829: A bill to amend section 6, chapter 105, Battle's Revisal, entitled "Salaries and Fees;" and unfavorably on

H. B. No. 834: A bill in relation to the fees of registers of deeds in certain cases.

Mr. Mebane, from the Judiciary Committee, reported favorably on

H. B. No. 789: A bill to carry into effect section 6, article 9, of the Constitution, in regard to unclaimed dividends.

Mr. McRae, from the Committee on Internal Improvements, reported favorably, with amendments, on

S. B. No. 660, H. B. No. 783: A bill to incorporate the Snow Hill Branch Railroad Company; and on

H. B. No. 422: A bill explanatory of certain acts, and to enable parties holding bonds of this State, issued for internal improvements, under acts passed prior to the war, to sell the same, reporting that there was neither objection to, nor necessity for, the passage of the bill.

Mr. Shackelford, from the Committee on Engrossed Bills, reported that the following bills and resolutions had been correctly engrossed, and they were ordered to be transmitted to the Senate for concurrence:

H. B. No. 792: A bill to authorize the commissioners of Macon county to levy a special tax;

H. B. No. 384: A bill to amend chapter 113, laws of 1868-'69, as brought forward in Battle's Revisal, chapter 45, section 15;

H. B. No. 702: A bill to incorporate the vestry of Calvary church at Wadesboro', North Carolina;

H. B. No. 599: A bill to incorporate the town of Wood-ville, in the county of Perquimans;

H. B. No. 690: A bill to amend chapter 68, Battle's Revisal, entitled Justices and their Jurisdiction;

H. R. No. 195: A resolution in favor of G. J. Williams, late sheriff of Chatham county;

H. B. No. 828: A bill to prevent the sale of spirituous liquors in certain localities;

Engrossed amendment to S. B. No. 619, H. B. No. 722: A bill for the relief of disabled soldiers.

The following bills and resolutions, reported as correctly enrolled by the Committee on Enrolled Bills, were duly ratified and transmitted to the Senate:

Joint resolution to pay expenses of the Committee on Western Insane Asylum;

An act for adjusting the debt of Yancey county;

An act to authorize the commissioners of Moore county to levy a special tax;

An act to empower the commissioners of Cabarrus county to sell their present court house and jail lots and to levy a special tax.

## INTRODUCTION OF BILLS.

By Mr. Finger: A bill to authorize the farming out of convicts. Referred to the Judiciary Committee.

By Mr. Brewington: A bill to incorporate the Wilmington Bucket Company, No. 1. Referred to the Committee on Corporations.

A message was received from the Senate transmitting the following, and asking concurrence therein:

S. B. No. 688: A bill to provide another asylum for the insane of North Carolina;

Engrossed Senate amendments to S. B. No. 541, H. B. No. 834: A bill in relation to the Western North Carolina Railroad;

Engrossed Senate emendments to S. B. No. 749, H. B. No. 648: A bill to require the officers of the various counties to make reports of all the moneys which may come into their hands;

They were read the first time, and disposed of, as follows: S. B. No. 688, was placed on the calendar;

The Senate amendments to S. B. No. 541, H. B. No. 834, and S. B. No. 749, H. B. No. 648, were concurred in.

A message was received from the Senate transmitting the following bill, and asking concurrence therein:

S. B. No. 845: A bill to incorporate the town of Weaversville, Buncombe county. The bill was read the first time, and placed on the calendar.

A message was received from the Senate transmitting engrossed Senate amendments to H. B. No. 547, S. B. No. 840, the Machinery bill, and asking concurrence therein.

On motion, the Senate amendments were concurred in.

On motion of Mr. Erwin, the calendar was placed at the disposal of the Speaker.

Mr. Blythe was granted an indefinite leave of absence from and after Monday, on account of sickness.

The substitute reported by the Judiciary Committee for House Bills Nos. 468, 734, 497 and 733: Bills in relation to lunatics in the several counties of the State, was taken up.

On motion of Mr. Patton, the whole matter was recommitted to the Judiciary Committee.

On motion of Mr. Tate, the House went into the Committee of the Whole on H. B. No. 647: A bill to raise revenue.

After deliberation the committee, on motion, rose, and the chairman reported the adoption of various amendments, and recommended the passage of the bill on its second reading.

The Speaker resumed the chair.

The amendments were adopted as a whole.

The bill then passed its second reading by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Atwater, Barnett, Barnhardt of Caldwell, Bernheardt of Rowan, Barrett, Bennett, Bettis, Bizzell, Bryan, Bryson, Carson, Carter, Davis of Haywood, Dortch, Dula, Eatman, Elliott, Erwin, Etheridge, Fields, Finger, Freeman, Gaither, Garrison, Gash, Glenn, Green, Griffin, Gudger, Hanner, Harrison, Haymore, Holt, Hooker, Hurley, Isler, Jessup, Johnston, Kendall, King, Martin, McCalop, McCubbins, McIver, McNeill, McRae, Means, Mebane, Mendenhall, Mizell, Mock, Moffitt, Moseley, Mullen, Page, Parker, Parrott, Patton, Presson, Proffitt, Reid, Scott, Shackelford, Sharpe, Smith of

Anson, Smith of Hyde, Staples, Stephenson, Stowe, Tate, Thompson of Lincoln, Trivett, Walker of Richmond, Walker of Tyrrell, Wells, Whisnant, Whitley, Wiley, Woodhouse and Young—81.

The following gentlemen voted in the negative:

Messrs. Blythe, Boyd, Brewington, Bunn, Cary, Good, Hill, Hughes, Latta, Lloyd, Munden, Newell, Norment, Pinnix, Walden, White and Wood—17.

Mr. Carson, from the Committee on Corporations, submitted an additional report, recommending the passage of H. B. No. 661: A bill to incorporate the Grange Bank of Cumberland county.

On motion of Mr. Tate,

H. B. No. 647: A bill to raise revenue, was taken up and made special order for Saturday at 1 P. M.

### SPECIAL ORDER.

H. B. No. 78: A bill explanatory of section 10, chapter 102, Battle's Revisal, was taken up as the special order of the hour.

On motion of Mr. Staples, the bill was laid on the table. On motion of Mr. Hanner,

H. H. No. 769: A bill to amend chapter 56, Battle's Revisal, was taken from the table and placed on the calendar.

Mr. Erwin moved that when the House adjourns, it adjourn to meet this P. M. at 3:30 o'clock. The motion was adopted.

By consent, Mr. Gudger: A bill to authorize the commissioners of Madison county to compromise their public debt. Referred to the Committee on Finance.

## SECOND SPECIAL ORDER.

S. B. No. 691, H. B. No. 687: A bill to compel the Carolina Central Railway Company to complete the road to Selby, Cleveland county, was taken up as the second special order.

On motion of Mr. Oaksmith, the consideration of the matter was postponed, and made special order for Monday at 1 P. M.

The calendar was taken up:

H. B. No. 207: A bill to amend sub section 2, of section 35, chapter 193, laws of 1871-'72, &c., was taken up, and passed its several readings, and was ordered to be engrossed.

H. B. No. 370: A bill to amend the charter of the North Carolina Railroad Company, and to provide for the transfer of the State's stock therein, was taken up. The amendments of the committee were accepted.

Mr. Tate moved to amend by adding the following from H. B. No. 688, and striking out all after section 6:

Section 1. That the North Carolina Railroad Company shall have power and the right to purchase the bonds of the State issued to pay for the State's stock in said company, and to purchase said stock. That in order to make such purchase, said company may issue their bonds and secure the payment of the same by a mortgage of their franchises and property of all kinds, and may use for such purpose any existing mortgage. That at any time within ten years from the date of such purchase, the State shall have the right to buy from said company said stock and bonds, paying for the same the sum of money expended by the said company in making such purchase, with interest, at the rate of six per cent. per annum.

SEC. 2. That this act shall take effect when the same shall be accepted by the individual stockholders of said company.

The amendment was adopted, and the bill then passed its second reading.

Before going to a third reading, Mr. Mendenhall, from the Committee on State Debt, by consent, made a report on the following bills:

H. B. No. 832: A bill supplemental to an act entitled an act to compromise and settle the State debt, with a recommendation that it do pass; and unfavorably on

- H. B. No. 833: A bill to exchange the State's stock in the North Carolina Railroad Company for the construction bonds of the same.
- H. B. No. 370, went to its third reading, and Mr. Boyd offered
- H. B. No. 833, reported by the Committee on the State Debt, as a substitute for the same.
  - Mr. Boyd's substitute was put to a vote, and rejected.
- Mr. Mendenhall offered the following amendments, which were accepted:

"Insert in line 2, after the word 'that,' 'when the foregoing amendments of the charter are adopted by the North Carolina Railroad Company.' Strike out all after the word 'purchase,' in line 2, down to the word 'paying,' in line 11, and insert the words 'it shall be the duty of the said North Carolina Railroad Company, upon the application of the State through the General Assembly, to sell said bonds and stock to the State.'"

The bill, as amended, passed its third reading, and was ordered to be engrossed.

Leave of absence was granted to Mr. Bunn until Monday on account of sickness, and to Mr. Walden until Tuesday next.

On motion, the House adjourned until 3:30 o'clock, P. M.

# AFTERNOON SESSION.

The House was called to order at 3:30 o'clock, Mr. Staples in the chair.

### THE CALENDAR WAS TAKEN UP.

H. B. No. 86: A bill to amend section 1, chapter 81, laws of 1868-'69, was taken up, passed its third reading, and was ordered to be engrossed.

H. R. No. 205: Resolution concerning an appeal to the Supreme Court of the United States, was taken up, adopted, and ordered to be engrossed.

H. B. No. 431: A bill concerning the allotment of dower, was taken up.

The substitute of the committee was adopted, and the bill passed its several readings, and was ordered to be engrossed.

H. B. No. 780: A bill to prevent the netting of birds in Forsythe county, was taken up, and, on motion, was passed over informally.

H. R. No. 218: Resolution in favor of S. Trivett, was taken up and adopted, and was ordered to be engrossed.

H. R. No. 152: Resolution in favor of Joseph Marshall, former sheriff of Stanly county, was taken up and adopted, and was ordered to be engrossed.

H. B. No. 454: A bill concerning certain Judges, was taken up, and, on motion, laid on the table.

H. R. No. 212, S. R. No. 864: Resolution in favor of J. E. Morris, was taken up, adopted, and was ordered to be enrolled for ratification.

H. B. No. 495: A bill to amend chapter 52, Battle's Revisal, was taken up.

Mr. Dortch moved to lay the bill on the table.

On the call of Mr. Norment, the yeas and nays were had, and the motion to table prevailed by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Atwater, Barnhardt of Caldwell, Bernheardt of Rowan, Bennett, Bettis, Bizzell, Bryson, Davis of Haywood, Davis of Jackson, Dortch, Eatman, Erwin, Etheridge, Fields, Finger, Freeman, Gaither, Gash, Green, Griffin, Gudger, Hanner, Harrison, Haymore, Hicks, Holt, Hooker, Hurley, Isler, Jessup, Kendall, King, Latta, Martin, McCalop, McCubbins, McIver, McRae, Means, Mebane, Mendenhall, Mock, Moffitt, Moseley, Mullen, Page, Parrott, Patton, Pinnix, Presson, Proffitt, Shackelford, Sharpe, Smith of Anson, Smith of Hyde, Staples, Stephenson, Stowe, Tate, Thompson

of Beaufort, Thompson of Lincoln, Walker of Richmond, Walker of Tyrrell, Wells, Whitley, Wiley, Woodhouse and Young—69.

The following gentlemen voted in the negative:

Messrs. Blythe, Brewington, Bunn, Candler, Carson, Carter, Cary, Dula, Elliott, Garrison, Glenn, Hill, Jones, Lloyd, McNeill, Mizell, Munden, Newell, Norment, Scott, Trivett, Walden, Ward, Wheeler, Whisnant and Wood—26.

H. B. No. 696: A bill concerning apprentices, was taken up, and, on motion of Mr. Tate, was laid on the table.

H. B. No. 668: A bill to amend chapter 105, Battle's Revisal, was taken up.

Mr. Holt moved to lay the bill on the table.

On the call of Mr. Bettis, the yeas and nays were had, and the motion to table was rejected by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Bennett, Bizzell, Brewington, Bryan, Bunn, Carter, Cary, Dortch, Foote, Gudger, Hill, Holt, Hooker, Jessup, Jones, Lloyd, Martin, McCalop, McRae, Means, Munden, Norment, Patton, Presson, Sharpe, Smith of Anson, Smith of Hyde, Trivett, Walden, Walker of Richmond and Woodhouse—33.

The following gentlemen voted in the negative:

Messrs. Atwater, Bernheardt of Rowan, Bettis, Blythe, Bryson, Candler, Carson, Davis of Haywood, Davis of Jackson, Dula, Eatman, Elliott, Erwin, Etheridge, Finger, Freeman, Gaither, Garrison, Gash, Glenn, Good, Green, Griffin, Hanner, Harrison, Haymore, Hicks, Hurley, Isler, Kendall, King, Latta, McCubbins, McIver, McNeill, Mebane, Mendenhall, Mizell, Mock, Moffitt, Moseley, Mullen, Newell, Page, Parker, Parrott, Pinnix, Proffitt, Reid, Scott, Shackelford, Staples, Stephenson, Stowe, Tate, Thompson of Lincoln, Walker of Tyrrell, Ward, Wells, Wheeler, Whisnant, Whitley, Wiley, Wood and Young—64.

Mr. Pinnix moved to amend by striking out that portion relating to the reduction of the salary of the Auditor.

Mr. Bettis accepted the amendment.

Mr. McIver moved to amend by striking out the words "Chief Clerk of the Treasury."

Mr. Gudger offered the following substitute:

"That the annual salary of the Auditor shall be \$2,000."

Mr. Gudger afterwards withdrew his substitute.

On motion of Mr. Means, the bill was re-committed to the Finance Committee.

H. B. No. 658: A bill to repeal section 27, chapter 33, Battle's Revisal, was taken up, and laid on the table.

H. B. No. 737: A bill to amend chapter 105, Battle's Revisal, was taken up, and laid on the table.

H. B. No. 618: A bill regulating the venue of actions against insurance companies, was taken up, and laid on the table.

S. B. No. 560, H. B. No. 560: A bill to incorporate the town of Mt. Mourne, Iredell county, was taken up, passed its several readings, and was ordered to be enrolled for ratification.

H. B. No. 822: A bill to amend chapter 329, laws of 1850-'51, was taken up, passed its several readings, and was ordered to be engrossed.

H. B. No. 601: A bill to prevent colored children from being bound to white masters or mistresses, was taken up on its third reading.

Mr. Pinnix moved to refer the bill to the Judiciary Committee, and on that motion Mr. Bunn called the yeas and nays. The call did not prevail, and the bill was referred.

The following bills passed their several readings, and were ordered to be engrossed and sent to the Senate:

H. B. No. 757: A bill to amend chapter 32, section 17, Battle's Revisal;

H. B. No. 707: A bill to amend section 252, chapter 17, Battle's Revisal;

H. B. No. 843, a substitute for H. B. No. 677: A bill to amend section 343, chapter 17, Battle's Revisal;

- H. B. No. 723: A bill to repeal line 26, chapter 137, laws of 1873-'74;
- H. B. No. 681: A bill to amend section 9, chapter 112, Battle's Revisal;
- H. B. No 676: A bill to amend section 1, chapter 9, Battle's Revisal;
- H. B. No. 675: A bill to amend chapter 20, Battle's Revisal;
- H. B. No. 498: A bill to amend chapter 61, section 54, of Battle's Revisal;
- S. B. No. 601, H. B. No. 625: A bill to provide for a fence law in the counties of Union and Anson, was taken up, and passed its second reading.

On going to its third reading, Mr. Mendenhall moved to insert the county of Guilford.

The amendment was accepted, and the bill then passed its third reading, and was ordered to be sent to the Senate for concurrence.

- S. B. No. 720: A bill concerning applications for the sale of spirituous liquors, or repeal of prohibitory laws in this State, passed its several readings, and was ordered to be enrolled for ratification.
- S. B. No. 313: To create another township in the county of Burke, was taken up.

Mr. Tate offered the following amendment: Amend so as to run from Quaker Meadows' road to include Alex. Harbinson, Sidney Flemming's, to Rufus Kincade's, then down to John's Run.

The amendment was accepted, and the bill passed its several readings, and was ordered to be sent to the Senate for concurrence.

On motion, the House adjourned until to-morrow at 10 A. M.

# SEVENTY-EIGHTH DAY.

SATURDAY, March 13th, 1875.

The House was called to order at 10 A. M.

On motion, the reading of the Journal of yesterday was dispensed with.

## REPORTS OF STANDING COMMITTEES.

Mr. McRae, from the Committee on Internal Improvements, reported favorably on

H. B. No. 827: A bill to incorporate the Piedmont and Yadkin Valley Railroad Company.

Mr. Mendenhall, from the Committee on Education, reported favorably, with amendments, on

S. B. No. 92, H. B. No. 771: A bill for the improvement and reclamation of certain swamp lands in New Hanover and other counties.

Mr. McRae submitted an additional report from the Committee on Internal Improvements, recommending the passage, with amendments, of

H. B. No. 573, S. B. No. 471: A bill to incorporate the Wilmington, Raleigh & Danville Railroad Company.

Mr. Shackelford, from the Committee on Engrossed Bills, reported the following as correctly engrossed, and they were ordered to be transmitted to the Senate for concurrence:

H. B. No. 370: A bill to be entitled an act to amend the charter of the North Carolina Railroad Company, and to provide for the transfer of the State's stock therein;

H. B. No. 723: A bill to amend chapter 137, laws 1873-'74;

H. B. No. 676: A bill to amend section 1, chapter 9, Battle's Revisal;

H. B. No. 681: A bill to amend section 9, chapter 112, Battle's Revisal;

H. B. No. 675: A bill to amend chapter 70, Battle's Revisal;

H. B. No. 498: A bill to amend chapter 61, section 54, Battle's Revisal;

H. B. No. 707: A bill to amend section 252, chapter 17, Battle's Revisal;

H. B. No. 822: A bill to amend chapter 329, laws 1850-'51;

H. B. No. 86: A bill to amend section 1, chapter 81, public laws of 1868-'69;

H. B. No. 757: A bill to amend chapter 32, section 17, Battle's Revisal;

H. R. No. 218: A resolution in favor of S. Trivett;

H. R. No. 152: A resolution in favor of Joseph Marshall;

H. R. No. 205: A resolution concerning appeals to the Supreme Court of the United States;

H. B. No. 677: A bill to amend section 343, of chapter 17, Battle's Revisal;

H. B. No. 842: A bill concerning the allotment of dower;

H. B. No. 770: A bill declaring a portion of Haw river a lawful fence.

The following bills, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the Senate:

An act in relation to the Western North Carolina Railroad; An act to require the officers of the various counties to make reports of all moneys which may come into their hands;

An act to incorporate the Rutherford Manufacturing Company;

An act to allow the Commissioners of Ashe county to levy a special tax;

An act to lay off and establish a public road in the counties of Wilkes and Alexander;

An act to incorporate the Fayetteville and Goldsboro Railway Company.

A message was received from the Senate transmitting S. B. No. 870: A bill to appoint Trustees for Pleasant Retreat Academy, Lumberton, N. C.

The bill was read the first time, and placed on the calendar.

A second message was received from the Senate transmitting the following, and asking concurrence therein:

S. B No. 595: A bill to charter the Monroe and Lancaster Narrow Gauge Railroad Co.;

S. B. No. 856: A bill to authorize the Commissioners of Pitt to sell and make title to the county jail and land on which it is situated, &c.;

S. B. No. 315: A bill to erect a school house for colored children in the city of Newbern.

They were read the first time, and disposed of as follows:

S. B. No. 315, was referred to the Committee on Education;

S. B. No. 595, to the Committee on Internal Improvements;

S. B. No. 856, was placed on the calendar.

H. B. No. 818: A bill to authorize the Commissioners of Cumberland county to refund their debt, was taken up, and passed its second reading by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Barnhardt of Caldwell, Bernheardt of Rowan, Barrett, Bettis, Bizzell, Brewington, Bryan, Bryson, Candler, Carson, Cary, Davis of Haywood, Davis of Jackson, Dortch, Dula, Eatman, Erwin, Etheridge, Fields, Finger, Foote, Gaither, Garrison, Good, Green, Griffin, Gudger, Hanner, Harrison, Haymore, Hicks, Hill, Holt, Hooker, Hughes, Hurley, Isler, Jessup, Johnston, Jones, Kendall, King, Latta, Lloyd, Martin, McCalop, McCubbins, McIver, McNeill, McRae, Means, Mebane, Mendenhall, Mitchell, Mock, Moffitt, Moseley, Newell, Page, Parker, Parrott, Patton, Presson, Proffitt, Reid, Shackelford, Sharpe, Smith of Anson, Smith of Hyde, Stowe, Tate, Thompson of Beaufort, Thompson of Lincoln, Trivett, Walden, Walker of Richmond, Walker of Tyrrell, Wells, Whisnant, White, Whitley, Wiley, Wood, Woodhouse and Young—86.

The following gentlemen voted in the negative:

Messrs. Bunn and Carter-2.

S. B. No. 761, H. B. No. 775: A bill to authorize the com-

missioners of Hertford county to issue bonds, &c., was taken up and passed its second reading by the following vote:

The following gentlemen voted in the affimative:

Messrs. Anderson, Barnhardt of Caldwell, Bearnheardt of Rowan, Barrett, Bettis, Bizzell, Blythe, Boyd, Brewington, Bryan, Bryson, Candler, Carson, Cary, Davis of Haywood, Davis of Jackson, Dortch, Dula, Eatman, Elliott, Erwin, Etheridge, Fields, Finger, Gaither, Garrison, Gash, Glenn, Good, Green, Griffin, Gudger, Hanner, Harrison, Haymore, Hicks, Hill, Holt, Hooker, Hurley, Isler, Jessup, Jones, Kendall, Latta, Lloyd, Martin, McCalop, McCubbins, McIver, McNeill, McRae, Means, Mebane, Mendenhall, Mitchell, Mizell, Mock, Moffitt, Moring, Moseley, Munden, Newell, Norment, Page, Parker, Parrott, Patton, Pinnix, Presson, Proffitt, Reid, Shackelford, Sharpe, Smith of Anson, Smith of Hyde, Staples, Stephenson, Stowe, Tate, Thompson of Beaufort, Thompson of Lincoln, Trivett, Walden, Walker of Richmond, Walker of Tyrrell, Ward, Wells, Whisnant, White, Whitley, Wi'ey, Wood, Woodhouse and Young-95.

The following gentlemen voted in the negative:

Messrs. Bunn and Carter-2.

On motion of Mr. Tate,

S. B. No. 688, H. B. No. 840: A bill to provide another asylum for the insane of North Carolina, was taken up.

Mr. King offered the following amendment: In section 1, after the word "Morganton" and before "North Carolina" insert the words "or Asheville." And at the end of said section, add:

"Provided, That the Governor shall appoint three disinterested persons, one of whom shall be a physician, to visit and examine the grounds offered for the asylum, and locate the same at one or other of said designated localities as may be for the best interest of the State, before the commissioners shall act under the provisions of this act."

Mr. Sharpe moved to amend by striking out "Morganton" and inserting "Statesville."

Mr. King accepted the amendment offered by Mr. Sharpe.
Mr. Finger moved to amend by inserting after the word
"Asheville" the word "Hickory."

Mr. Finger's amendment was accepted.

Mr. King demanded the previous question, which was ordered, and the question was put on Mr. King's amendment, which was adopted by the casting vote of the Speaker.

Mr. Page moved to strike out "Morganton" and insert "Raleigh."

Mr. Tate moved to lay the whole matter on the table.

The yeas and nays were called, and the motion to table prevailed by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Atwater, Barnhardt of Caldwell, Bernheardt of Rowan, Barrett, Bennett, Bizzell, Bryson, Carson, Dula, Eatman, Erwin, Etheridge, Fields, Glenn, Green, Griffin, Hanner, Harrison, Haymore, Isler, Jessup, Johnston, Kendall, Latta, Martin, McIver, McRae, Means, Mitchell, Mizell, Mock, Moffitt, Moring, Munden, Norment, Oaksmith, Page, Parrott, Pinnix, Presson, Shackelford, Smith of Hyde, Spears, Staples, Stephenson, Stowe, Strong, Tate, Thompson of Lincoln, Trivett, Walker of Richmond, Walker of Tyrrell, Ward, Whitley, Wiley, Wood, Woodhouse and Young—59.

The following gentlemen voted in the negative:

Messrs. Barnett, Bettis, Blythe, Brewington, Bryan, Bunn, Candler, Carter, Cary, Davis of Jackson, Dortch, Elliott, Finger, Foote, Gaither, Garrison, Gash, Good, Gudger, Hicks, Hill, Holt, Hooker, Hughes, Hurley, Jones, King, Lloyd, McCalop, McCubbins, McNeill, Mendenhall, Moore, Mullen, Newell, Parker, Patton, Proffitt, Reid, Sharpe, Thompson of Beaufort, Wells, Wheeler, Whisnant and White—45.

By consent, Mr. Walker, of Richmond: A bill to incorporate Rocky Ford Manufacturing Company, Richmond county. Referred to the Committee on Corporations.

By consent, Mr. Proffitt: A bill explanatory of an act to allow compensation to maimed soldiers. Referred to the Committee on Finance.

A message was received from the Senate transmitting the following bill, and asking concurrence therein:

S. B. No. 843: A bill to prevent discrimination in freight tariffs by railroad companies in this State.

The bill was read the first time, and referred to the Committee on Internal Improvements.

Another message was received from the Senate, announcing that that body had receded from its amendments to

H. B. No. 674, S. B. No. 737: A bill for the protection of birds in the counties of Davidson, Randolph, Guilford and Edgecombe, and the bill was ordered to be enrolled for ratification.

Messrs. Scott and Whitley were granted a leave of absence until Tuesday.

A message was received from the Senate transmitting the following, and asking concurrence therein:

- S. B. No. 911: A bill to amend section 34, sub-division 9, chapter 17, Battle's Revisal;
  - S. B. No. 855: A bill concerning proceedings in bastardy;
  - S. B. No. 862: A bill to amend chapter 137, laws 1873-'74;
- S. B. No. 868: A bill to call a Convention of the people of North Carolina;
- S. B. No. 762: A bill to incorporate the Yadkin River Bridge and Turnpike Company;

Engrossed Senate amendments to S. B. No. 416, H. B. No. 331: A bill to divest the jurisdiction of the Superior Courts on misdemeanors in failing to list polls and property, &c.;

Engrossed Senate amendments to S. B. No. 778, H. B. No. 415: A bill to incorporate the Western North Carolina Land and Colinization Company;

Engrossed amendments to S. B. No. 872, H. B. No. 525: A bill to prevent the sale of liquor near Rocky River Church, &c.; They were read the first time, and disposed of as follows:

The Senate amendments to H. B. No. 331, S. B. No. 416, S. B. No. 778, H. B. No. 415, and to S. B. No. 872, H. B. No. 525, were concurred in, and they were ordered to be enrolled for ratification;

S. B. No. 762, was referred to the Committee on Corporations; and

Senate Bills Nos. 862, 855 and 911, to the Judiciary Committee.

On motion, the rules were suspended, and

S. B. No. 868: A bill to call a Convention of the people of North Carolina, was taken up, and made special order for Tuesday at 12 M., and ordered to be printed.

By consent, Mr. Barnhardt, of Caldwell, submitted a report from the Committee on Propositions and Grievances, recommending the adoption of an accompanying substitute for H. B. No. 607: A bill concerning the sticking of shad net stakes in certain waters in this State.

On motion, S. B. No. 647, H. B. No. 660: A bill amendatory of the law concerning suits against railroad corporations, was taken up, passed its several readings, and was ordered to be enrolled for ratification.

On motion of Mr. Glenn,

- S. B. No. 762, H. B. No. 848: A bill to incorporate the Yadkin River Bridge and Turnpike Company, was withdrawn from the Committee on Corporations, and under a suspension of the rules, passed its several readings, and was ordered to be enrolled for ratification.
- S. B. No. 845, H. B. No. 839: A bill to incorporate the town of Weaversville, Buncombe county, was taken up, passed its several readings, and was ordered to be enrolled for ratification.
- S. B. No. 401, H. B. No. 632: A bill to authorize the sale of a certain street and alley in the town of Shelby, was taken up and passed its several readings, and was ordered to be enrolled for ratification.

S. B. No. 442, H. B. No. 491: A bill to incorporate the town of Albemarle, Stanly county, was taken up, passed its several readings, and was ordered to be enrolled for ratification.

Messrs. Foote and Dula rose to questions of personal privilege.

#### SPECIAL ORDER.

H. B. No. 647: A bill to raise revenue, was taken up as the special order of the hour.

On motion of Mr. Tate, its consideration was postponed, and made special order for Monday at 1 P. M.

The engrossed Senate amendments to H. B. No. 708, S. B. No. 787: A bill to attach Watauga county to the 10th Judicial District, was concurred in.

H. R. No. 166: A resolution in reference to the Albemarle and Chesapeake Canal, was taken up.

Mr. Woodhouse moved to lay on the table.

The motion to table was put to a vote and rejected.

The question recurred on the adoption of the original resolution with the addition of the name of Mr. Woodhouse, as recommended by the Committee on Internal Improvements.

Mr. Woodhouse offered a substitute, appointing certain citizens of Currituck county, as said committee.

Mr. Woodhouse moved to postpone the further consideration of the matter until Tuesday.

On the call of Mr. McRae, the previous question was ordered. The motion to postpone was rejected.

The question next recurred on the substitute offered by Mr. Woodhouse.

On the call of Mr. Walker, of Tyrrell, the yeas and nays were had, and the substitute was rejected by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Barrett, Bryson, Carson, Davis of Hay-

wood, Davis of Jackson, Elliott, Foote, Garrison, Gash, Good, Griffin, Hooker, Jones, Lloyd, Moore, Munden, Norment, Parker, Shackelford, Smith of Hyde, Stowe, Thompson of Beaufort, Walden, Walker of Tyrrell, Wells, White, Wiley, Wood and Woodhouse—30.

The following gentlemen voted in the negative :

Messrs. Atwater, Barnett, Barnhardt of Caldwell, Bernheardt of Rowan, Bennett, Bettis, Bizzell, Brewington, Bryan, Carter, Dortch, Dula, Eatman, Erwin, Etheridge, Fields, Finger, Gaither, Glenn, Green, Gudger, Hanner, Harrison, Haymore, Hicks, Hill, Hurley, Isler, Jessup, Johnston, Kendall, King, Latta, Martin, McCalop, McCubbins, McIver, McNeill, McRae, Means, Mendenhall, Mitchell, Mock, Moffitt, Moring, Moseley, Mullen, Patton, Pinnix, Presson, Sharpe, Smith of Anson, Spears, Staples, Stephenson, Strong, Tate, Thompson of Lincoln, Trivett, Walker of Richmond, Ward and Whisnant—62.

The original resolution, as amended by the Committee on Internal Improvements, was then adopted.

Mr. McRae moved to reconsider the vote by which the resolution was adopted, and to lay that motion on the table. The motion to table prevailed.

Mr. Green moved to reconsider the vote by which the Senate amendments to H. B. No. 708, S. B. No. 787, were concurred in, and to lay that motion on the table. The motion to table prevailed.

Mr. Moring moved to reconsider the vote by which

S. B. No. 688, H. B. No. 840: A bill to provide another asylum for the insane of North Carolina, was tabled, and the motion prevailed, and the bill was made special order for Thursday at 1 P. M.

Mr. Means recorded his vote in the affirmative on the vote to table S. B. No. 688, H. B. No. 840.

On motion, the House adjourned until Monday at 10 o'clock.

# SEVENTY-NINTH DAY.

Monday, March 15th, 1875.

The House was called to order at 10 A. M., Mr. Speaker Robinson in the chair.

On motion, the reading of the Journal of Saturday was dispensed with.

#### REPORTS OF STANDING COMMITTEES.

Mr. Pinnix, from the Judiciary Committee, reported unfavorably on H. B. No. 584: A bill providing for local taxation for the benefit of public schools.

Mr. Carson, from the Committee on Corporations, reported favorably on H. B. No. 838: A bill to incorporate the Wilmington Fire Bucket Company.

Mr. Gudger, from the Committee on Propositions and Grievances, reported unfavorably on the petition of John H. Wheeler, asking for compensation for his manual.

Mr. Tate, from the Committee on Finance, reported favorably on H. B. No. 860: A bill to appoint commissioners to examine into the affairs of the Western Division of the Western North Carolina Railroad Company.

Mr. Means, from the Judiciary Committee, reported on H. B. No. 257: A bill for the better enforcement of contracts and the enhancement of agriculture, recommending the adoption of an accompanying substitute.

Mr. Wheeler, from the Committee on Public Buildings and Grounds, reported unfavorably on H. B. No. 171: A bill providing for the appointment of a day policeman for the Capitol building.

Mr. Shackelford, from the Committee on Engrossed Bills, reported the following as correctly engrossed, and they were ordered to be sent to the Senate for concurrence.

Engrossed amendments to S. B. No. 601, H. B. No. 625:

A bill providing for a fence law in the counties of Union and Anson.

Engrossed amendments to S. B. No. 313, H. B. No. 292: A bill to create another township in Burke county.

H. B. No. 207: A bill to amend sub-section 2, of section 35, chapter 193, laws of 1871-'72, Battle's Revisal, sub-section 22 of section 4, chapter 37.

Engrossed amendments to S. B. No. 619, H. B. No. 722: A bill for the relief of disabled soldiers.

H. R. No. 166: Resolution in relation to the Chesapeake and Albemarle Canal Company.

The following bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the Senate for the signature of the President of that body:

An act concerning applications for prohibition of the sale of spirituous liquors, or repeal of prohibitory laws in this State;

An act to incorporate the town of Mt. Mourne, in Iredell county;

An act authorizing the commissioners of Rockingham county to issue bonds for the purpose of reconstructing and repairing a bridge in said county;

An act to provide for the removal of the county site of Johnston county;

An act to incorporate Eno Grange, No. 134, Patrons of Husbandry;

An act to amend chapter 29, laws of 1871-'72, and chapter 36, amendatory thereof, session of 1873-'74;

Resolution in favor of J. H. Enniss;

An act to attach the county of Watauga to the 10th Judicial District, and to change the times of holding the Superior Courts in certain counties in said district;

An act to incorporate Olive Branch Ledge, No. 37, I. O. O. F.;

Resolution as to vacant lots in the city of Raleigh, belonging to the State;

An act to amend an act to incorporate the Georgia and North Carolina Railroad Company, ratified the 31st March, 1871;

Resolution to pay J. E. Morris money;

An act for the relief of Bryce Harralson, of Caswell county; An act to prohibit the sale of intoxicating drinks within one mile of the court house of Dallas, Gaston county;

An act to provide for payment of costs and other indemnity of officers in certain cases.

## INTRODUCTION OF RESOLUTIONS.

By Mr. Staples: A resolution in regard to leaves of absence. Placed on the calendar.

### INTRODUCTION OF BILLS.

By Mr. Walker, of Richmond: A bill to facilitate the trial of actions in the nature of *quo warranto*. Placed on the calendar.

By Mr. Patton: A bill to provide for the appointment of commissioners to investigate the affairs of the Western Division of the Western North Carolina Railroad Company. Referred to the Committee on Finance.

By Mr. Gudger: A bill to allow a jury in Madison county to lay off a road to Marshall, N. C. Placed on the calendar.

By Mr. Tate: A bill to re-enact an act ratified the 22d of February, 1861. Placed on the calendar.

By Mr. McRae: A bill to amend an act to incorporate the town of Elizabethtown, Bladen county. Referred to the Committee on Corporations.

By Mr. Spears: A bill to promote fish culture in North Carolina. Referred to the Committee on Propositions and Grievances.

On motion of Mr. Pinnix, the calendar was placed at the disposal of the Speaker.

A message was received from the Senate transmitting the following, and asking concurrence therein:

S. B. No. 905: A bill to amend the charter of the town of King's Mountain, Cleaveland county, and returning to the House S. B. No. 619, H. B. No. 772 for proper engrossment.

S. B. No. 905, was read the first time, and placed on the calendar.

#### CALENDAR.

- S. B. No. 359, H. B. No. 633: A bill to obtain information concerning the State's interest in works of internal improvements, was taken up, passed its several readings, and was ordered to be enrolled for ratification.
- S. B. No. 533, H. B. No. 717: A bill to lay out a public road from Edwin D. Greer's store to Jefferson, Ashe county, was taken up, passed its several readings, and was ordered to be enrolled for ratification.
- S. B. No. 825, H. B. No. 812: A bill to incorporate the town of Ore Knob, Ashe county, was taken up, passed its several readings, and was ordered to be enrolled for ratification.
- S. B. No 347, II. B. No. 473: A bill to amend an act to incorporate the town of Rocky Mount, Edgecombe county, was taken up, passed its several readings, and was ordered to be enrolled for ratification.

Leave of absence was granted to Mr. Cary until Wednesday; to Mr. Wood from and after Saturday, and to Mr. Hill after Thursday, until Monday.

The calendar was resumed:

- S. B. No. 661, H. B. No. 654: A bill to incorporate the Carolina Plumbago Company, was taken up, passed its several readings, and ordered to be enrolled for ratification.
- S. B. No. 280, H. B. No. 706: A bill to authorize the city of Wilmington to issue bonds, was taken up, and, on motion of Mr. Walker, of Richmond, laid on the table.
- H. R. No. 219: A resolution in regard to leaves of absence, was taken up and adopted.

H. B. No. 832: A bill supplemental to an act to compromise, commute and settle the State debt, was taken up, passed its several readings, and was ordered to be engrossed.

H. B. No. 856: A bill to facilitate the trial of actions in the nature of *quo warranto*, was taken up, passed its several readings, and was ordered to be sent to the Senate without engrossment.

S. B. No. 609, H. B. No. 613: A bill to levy a special tax for Hyde county, was taken up, and passed its second reading by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Atwater, Barnhardt of Caldwell, Bernheardt of Rowan, Barrett, Bennett, Bettis, Bizzell, Brewington, Bryan, Bryson, Candler, Carson, Davis of Haywood, Davis of Jackson, Dortch, Dula, Eatman, Elliott, Erwin, Fields, Finger, Foote, Freeman, Gaither, Garrison, Gash, Glenn, Good, Green, Griffin, Gudger, Harrison, Haymore, Hicks, Hill, Holt, Hooker, Hughes, Hurley, Isler, Jessup, Johnston, Jones, Kendall, Latta, Lloyd, Martin, McCalop, McCubbins, McIver, McNeill, McRae, Means, Mebane, Mitchell, Mizell, Mock, Moseley, Mullen, Munden, Norment, Page, Parker, Parrott, Patton, Pinnix, Presson, Proffitt, Reid, Richardson, Shackelford, Sharpe, Smith of Anson, Smith of Hyde, Spears, Staples, Strong, Tate, Thompson of Beaufort, Thompson of Lincoln, Trivett, Walker of Richmond, Walker of Tyrrell, Wells, Whisnant, White, Wiley, Wood, Woodhouse and Young—91.

The following gentlemen voted in the negative:

Messrs. Bunn and Moore-2.

S. B. No. 558, H. B. No. 568: A bill to allow the commissioners of Bladen county to levy a special tax, was taken up, and, on motion, laid on the table.

S. B. No. 766, H. B. No. 774: A bill to authorize the commissioners of Franklin county to levy a special tax, was taken up and passed its second reading by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Atwater, Barnett, Barnhardt of Caldwell,

Bernheardt of Rowan, Barrett, Bennett, Bettis, Bizzell, Bryan, Bryson, Carson, Davis of Haywood, Davis of Jackson, Dortch, Dula, Eatman, Erwin, Etheridge, Fields, Finger, Foote, Freeman, Gaither, Garrison, Gash, Glenn, Good, Green, Griffin, Gudger, Harrison, Haymore, Hill, Holt, Hooker, Hughes, Isler, Jessup, Johnston, Jones, Kendall, King, Latta, Lloyd, Martin, McCalop, McCubbins, McNeill, McRae, Means, Mebane, Mitchell, Mizell, Mock, Moseley, Mullen, Munden, Norment, Page, Parker, Parrott, Patton, Pinnix, Presson, Proffitt, Reid, Richardson, Shackelford, Sharpe, Smith of Anson, Smith of Hyde, Spears, Staples, Stowe, Strong, Tate, Thompson of Beaufort, Thompson of Lincoln, Trivett, Walker of Richmond, Walker of Tyrrell, Ward, Wells, Wheeler, Whisnant, White, Wiley, Wood, Woodhouse and Young—91.

The following gentlemen voted in the negative:

Messrs. Carter, Crews and Elliott-3.

S. R. No. 847, H. R. No. 207: A resolution of inquiry in reference to the deposits made by the State Treasure, was taken up and adopted.

The Speaker announced McRae, Richardson and Barnett as the House branch of the proposed joint select committee under said resolution.

S. B. No. 431, H. B. No. 475: A bill to provide additional terms of the Superior Courts of Northampton and Halifax counties, was taken up, passed its several readings, and was ordered to be enrolled for ratification.

H. B. No. 780: A bill to prevent the netting of birds in Forsythe county, was taken up, passed its several readings, and was ordered to be engrossed.

S. B. No. 816, H. H. No. 788: A bill to allow the commissioners of Washington county to levy a special tax, was taken up.

Mr. Wiley moved to amend by providing that the question of the location of the proposed new court house at Plymouth or Mackey's Ferry should be submitted to the qualified voters of the county.

The amendment was adopted, and the bill passed its second reading by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Atwater, Barnhardt of Caldwell, Bernheardt of Rowan, Barrett, Bennett, Bettis, Bizzell, Brewington, Bryson, Candler, Carson, Carter, Crews, Davis of Haywood, Davis of Jackson, Dortch, Dula, Eatman, Elliott, Erwin, Etheridge, Fields, Finger, Foote, Freeman, Gaither, Garrison, Gash, Glenn, Good, Green, Griffin, Gudger, Harrison, Haymore, Hicks, Hill, Holt, Hooker, Hughes, Hurler, Isler, Jessup, Johnston, Kendall, King, Latta, Lloyd, Martin, McCalop, McCubbins, McIver, McNeill, McRae, Means, Mebane, Mitchell, Mizell, Mock, Moseley, Munden, Norment, Page, Parker, Presson, Proffitt, Reid, Shackelford, Sharpe, Smith of Anson, Smith of Hyde, Spears, Staples, Stephenson, Tate, Thompson of Beaufort, Thompson of Lincoln, Trivett, Walker of Richmond, Walker of Tyrrell, Ward, Wells, Wiley, Wood, Woodhouse and Young—87.

The following gentlemen voted in the negative: Messrs. Bunn, Moore, Mullen, and Pinnix-4.

- S. B. No. 729, H. B. No. 746: A bill to amend an act to prevent live stock from running at large in Cabarrus and certain other counties, was taken up, passed its several readings, and was ordered to be enrolled for ratification.
- S. B. No. 604, H. B. No. 581: A bill supplemental to the charter of the town of Statesville, Iredell county, was taken up, passed its several readings, and was ordered to be enrolled for ratification.
- H. R. No. 187: A resolution in regard to the American Centennial, was taken up and adopted.
- H. B. No. 661: A bill to incorporate the Grange Bank of Cumberland, was taken up.
- Mr. McRae offered the following amendments, which were adopted:

<sup>&</sup>quot;Strike out in section 1, line 12, the word 'Cumberland'

and insert 'Cape Fear'; strike out '\$100' in line 14, and insert '\$25'; strike out in line 19 '\$50,000' and insert \$20,000'; strike out '25' in line 20, and insert '50'; strike out in line 18 the words 'or any preceding'; strike out in section 2, line 6, '\$50,000' and insert '\$20,000; strike out in section 4, line 2, '\$100' and insert '\$25'; strike out in section 5 whereever it occurs '\$100' and insert '\$25'; amend section 6 by inserting after the word 'upon,' in line 8, the words 'subject to the general laws of the State.'"

The bill, as amended, passed its several readings, and was ordered to be engrossed.

H. R. No. 132: A resolution in favor of R. H. Cannon, Judge of the 12th Judicial District, was taken up, and, on motion of Mr. Gash, laid on the table.

H. R. No. 215: A resolution of instruction to the State Treasurer, was taken up, adopted and ordered to be engrossed.

H. B. No. 800: A bill to amend section 16, chapter 2, Battle's Revisal, entitled 'Agriculture and Geology,' was taken up.

Mr Tate moved to amend by striking out the words "any moneys in the Treasury in addition to the amount now expended under the provisions of this chapter," and insert "out of the annual appropriation for the Geological Survey."

Pending any definite action, the

## SPECIAL ORDER,

H. B. No. 691: A bill in relation to the land scrip fund, for the establishment of colleges for the benefit of agriculture and the mechanic arts, was announced.

On motion, the consideration of the special order was postponed until H. B. No. 800, should be disposed of.

The consideration of H. B. No. 800, was resumed.

The question recurred on Mr. Tate's amendment, which was adopted, and the bill, as amended, passed its several readings, and was ordered to be engrossed.

After a further postponement of the special order, a message from the Senate was announced, transmitting

S. B. No. 922: A bill in relation to changing gauge of rail-roads, which was read the first time, and placed on the calendar.

On motion of Mr. Oaksmith, the rules were suspended, and S. B. No. 922, was taken up.

Mr. Gash moved to refer the bill to the Judiciary Committee.

Mr. Means moved to amend the motion of reference by instructing that committee to report this evening at 8 o'clock.

Mr. Gash accepted the amendment.

The motion to refer was put to a vote and rejected.

Mr. Trivett moved to amend by providing that the provisions of the bill should not apply to that portion of the North Carolina Railroad between Greensboro and Charlotte.

On the call of Mr. Oaksmith, the previous question was ordered.

Mr. Trivett's amendment was put to a vote and rejected, and the bill passed its second reading by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Atwater, Barnhardt of Caldwell, Bernheardt of Rowan, Barrett, Bizzell, Bryan, Bryson, Carson, Carter, Davis of Haywood, Davis of Jackson, Dula, Elliott, Erwin, Etheridge, Finger, Foote, Freeman, Gaither, Glenn, Good, Green, Gudger, Haymore, Hicks, Hill, Holt, Hooker, Hurley, Isler, Jessup, Johnston, Kendall, King, Latta, Martin, McCalop, McCubbins, McIver, McNeill, McRae, Mitchell, Mock, Moseley, Mullen, Oaksmith, Page, Patton, Pinnix, Presson, Proffitt, Richardson, Shackelford, Sharpe, Smith of Anson, Smith of Hyde, Stephenson, Tate, Thompson of Beaufort, Thompson of Lincoln, Wells, Whitley, Wiley, Woodhouse and Young—66.

The following gentlemen voted in the negative:

Messrs. Barnett, Bettis, Boyd, Brewington, Bunn, Candler, Crews, Dortch, Eatman, Fields, Garrison, Gash, Griffin, Har-

rison, Hughes, Jones, Lloyd, Means, Mizell, Moore, Munden, Norment, Parker, Reid, Staples, Stowe, Trivett, Walker of Richmond, Walker of Tyrrell, Ward, Wheeler, and Whisnant —32.

Mr. Oaksmith moved to suspend the rules, and put the bill on its third reading.

The motion failed for the want of a two-thirds vote.

Mr. Means moved to reconsider the vote by which the House refused to suspend the rules.

The motion was put to a vote and rejected.

# THE SPECIAL ORDER,

H. B. No. 691: A bill in relation to the land scrip fund, for the establishment of colleges for the benefit of agriculture and the mechanic arts, was taken up.

The question recurred upon the passage of the bill on its second reading, and it failed to pass.

Mr. Strong moved to reconsider the vote by which the bill failed to pass its second reading.

On the call of Mr. Means, the yeas and nays were had, and the House decided to reconsider by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Atwater, Bernheardt of Rowan, Barrett, Bennett, Bettis, Bizzell, Bryan, Dortch, Erwin, Fields, Finger, Foote, Freeman, Gash, Griffin, Gudger, Haymore, Holt, Hooker, Hurley, Isler, Jessup, Johnston, Kendall, Latta, Martin, McCalop, McCubbins, McIver, McNeill, McRae, Means, Mebane, Mitchell, Mock, Moseley, Mullen, Oaksmith, Page, Parrott, Patton, Pinnix, Presson, Reid, Richardson, Shackelford, Smith of Anson, Smith of Hyde, Spears, Staples, Stephenson, Strong, Tate, Thompson of Beaufort, Thompson of Lincoln, Walker of Richmond, Walker of Tyrrell, Wells, Wheeler, Whitley and Wiley—61.

The following gentlemen voted in the negative:

Messrs. Barnett, Barnhardt of Caldwell, Boyd, Brewington,

Bryson, Bunn, Candler, Carter, Crews, Davis of Haywood, Davis of Jackson, Eatman, Elliott, Etheridge, Garrison, Good, Green, Harrison, Hill, Hughes, Jones, Lloyd, Mizell, Moore, Parker, Sharpe, Stowe, Trivett, Ward, Whisnant and Young—31.

The question next recurred on the passage of the bill on its second reading.

On the call of Mr. Finger, the previous question was ordered. On the call of Mr. Harrison the yeas and nays were had, and the bill passed its second reading by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Atwater, Bernheardt of Rowan, Barrett, Bennett, Bizzell, Bryan, Dortch, Erwin, Fields, Finger, Freeman, Gash, Griffin, Gudger, Isler, Jessup, Johnston, Kendall, Latta, Martin, McCalop, McCubbins, McIver, McNeill, McRae, Means, Mebane, Mitchell, Mock, Moseley, Mullen, Oaksmith, Page, Parrott, Patton, Pinnix, Presson, Reid, Smith of Anson, Smith of Hyde, Spears, Staples, Staton, Stephenson, Strong, Tate, Thompson of Beaufort, Thompson of Lincoln, Walker of Richmond, Wells, Wheeler, Whitley and Wiley—53.

The following gentlemen voted in the negative:

Messrs. Barnett, Barnhardt of Caldwell, Bettis, Boyd, Brewington, Bryson, Bunn, Candler, Carter, Crews, Davis of Haywood, Davis of Jackson, Dula, Eatman, Elliott, Etheridge, Foote, Garrison, Good, Green, Harrison, Haymore, Hicks, Hill, Holt, Hughes, King, Lloyd, Mizell, Moore, Munden, Parker, Richardson, Shackelford, Sharpe, Stowe, Trivett, Walker of Tyrrell, Ward, Whisnant, Wood, Woodhouse and Young—43.

Mr. Tate moved to reconsider the vote by which certain amendments were adopted to S. B. No. 688, H. B. No. 840: A bill to provide another asylum for the insane of North Carolina, and the motion was ordered to be entered on the Journal.

The Speaker pro tem, Mr. Staples, stated that as there seemed to be some dissatisfaction in regard to his ruling upon

the vote by which the House refused to reconsider the vote by which a suspension of the rules was refused to take up S. B. No. 922 on its third reading, he would again put the question.

The question was accordingly put, and the House decided to reconsider.

Pending further and definite action, the House adjourned until 7:30 o'clock, P. M.

# EVENING SESSION.

The House met at 7:30 o'clock, Mr. Speaker Robinson in the chair.

The unfinished business of the morning,

S. B. No. 922: A bill in relation to the change of gauge of railroads, was resumed.

Mr. Gudger demanded the previous question, and the call was sustained.

By unanimous consent, Mr. Tate offered the following amendment, which was adopted:

"Add after the words 'Spartanburg and Asheville Railroad,' the words 'the Rabun Gap Short Line Railroad, the Tennessee River Railroad, or the Georgia and North Carolina Railroad.'"

On the call of Mr. Erwin, the yeas and nays were had, and the bill passed its third reading by the following vote, and was ordered to be sent to the Senate for concurrence in the House amendments.

The following gentlemen voted in the affirmative:

Messrs. Atwater, Barnhardt of C., Barrett, Bizzell, Brewington, Bryson, Candler, Carson, Crews, Davis of Haywood, Davis of Jackson, Dula, Eatman, Elliott, Erwin, Finger, Foote, Freeman, Garrison, Good, Green, Gudger, Haymore, Hicks,

Hill, Holt, Hooker, Hughes, Hurley, Isler, Jessup, King, Latta, Lloyd, Martin, McCubbins, McIver, McRae, Means, Mebane, Mitchell, Mizell, Mock, Moseley, Mullen, Munden, Norment, Oaksmith, Parrott, Patton, Pinnix, Presson, Proffitt, Richardson, Scott, Shackelford, Sharpe, Smith of Anson, Smith of Hyde, Spears, Staton, Tate, Thompson of Beaufort, Thompson of Lincoln, Walker of Tyrrell, Ward, Wells, Whisnant, Whitley, Wiley, Woodhouse and Young—72.

The following gentleman voted in the negative:

Messrs. Anderson, Bernheardt of Rowan, Bettis, Dortch, Etheridge, Fields, Gaither, Gash, Godwin, Griffin, Harrison, Kendall, McNeill, Parker, Stowe, Walden and Wheeler—17.

Mr. Oaksmith moved to reconsider the vote by which the bill passed it third reading, and to lay that motion on the table. The latter motion prevailed.

By consent, Mr. Oaksmith: A bill to prevent frauds upon immigrants, and to fix a legal rate of commissions on land sales. Referred to the Committee on Immigration.

A message was received from the Senate transmitting the following, and asking concurrence therein:

- S. B. No. 793: A bill to incorporate the Ridgeway Cemetery Association;
- S. R. No. 817: A resolution in favor of Sarah E. Wilder, Executrix.
- S. R. No. 830: A resolution concerning the Albemarle and Chesapeake Canal Company;

Engrossed Senate amendments to S. B. No. 786, H. B. No. 481: A bill for the benefit of the farmers in the Murphy Swamp and Carver's Neck, Rockfish township, Cumberland county.

They were read the first time, and disposed of as follows:

S. B. No. 793, was referred to the Committee on Corporations.

Senate Resolutions Nos. 817 and 830, were placed on the calendar.

On motion of Mr. McRae, the House refused to concur in

the Senate amendments to S. B. No. 786, H. B. No. 481, and a message was sent to the Senate informing that body of the action of the House, and asking a committee of conference.

A second message was received from the Senate transmitting S. B. No. 839: A bill to establish a new township in Chowan county, and asking concurrence therein.

It was read the first time, and placed on the calendar.

A third message was received from the Senate, transmitting engrossed amendments to H. B. No. 856, S. B. No. 946: A bill to facilitate the trial of actions in the nature of quo warranto.

On motion of Mr. McRae, the House refused to concur in the Senate amendments, and a message was sent to the Senate informing that body of the action of the House, and asking a committee of conference.

Mr. Staton was allowed to record his vote in the affirmative on the land scrip fund bill, which passed its second reading during the morning session.

# SPECIAL ORDER.

H. B. No. 647: A bill to raise revenue, was taken up as the special order.

The question recurred on the bill on its third and final passage.

Mr. Tate offered the following amendments, which were adopted:

In chapter 1, section 2, strike out "ten" and insert "nine." In chapter 1, section 3, strike out "ten" and insert "six." In chapter 1, section 1, strike out "twenty-five" and insert "twenty."

Mr. Erwin moved to amend section 26 by striking out in line 13, all after the word "date," and lines 14 and 15 of said section.

On the call of Mr. Norment, the yeas and nays were had, and the amendment was adopted by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Barnhardt of Caldwell, Bernheardt of Rowan, Barrett, Bettis, Bizzell, Brewington, Bryan Bryson, Bunn, Candler, Crews, Davis of Haywood, Davis of Jackson, Dortch, Dula, Eatman, Erwin, Etheridge, Fields, Finger, Foote, Freeman, Gaither, Garrison, Gash, Godwin, Good, Green, Gudger, Harrison, Haymore, Hicks, Hooker, Hughes, Hurley, Jessup, Johnston, Jones, Kendall, Latta, Lloyd, McCubbins, McIver, McRae, Means, Mebane, Mitchell, Mizell, Mock, Munden, Norment, Oaksmith, Parker, Parrott, Patton, Pinnix, Proffitt, Reid Scott, Shackelford, Sharpe, Smith of Anson, Smith of Hyde, Spears, Staples, Staton, Stowe, Strong, Tate, Walden, Walker of Tyrrell, Ward, Wheeler, Whisnant, Whitley, Wiley, Wood and Woodhouse—78.

The following gentlemen voted in the negative:

Messrs. Anderson, Carson, Elliott, Griffin, Isler, Holt, Martin, McNeill, Mullen, Presson, Thompson of Beaufort and Thompson of Lincoln—12.

Mr. Barnhardt, of Caldwell, moved to amend class 11, section 1, line 4, by striking out "one" and inserting "two and a half." The amendment was rejected.

Mr. Reid moved to amend by striking out section 12, schedule "B." The amendment was put to a vote and rejected.

Mr. Gudger moved to reconsider the vote by which Mr. Tate's amendment was adopted. The motion was put to a vote and rejected.

Mr. Martin moved to amend by striking out all after the word "derived" in line 17, down to and including line 20, class 2, section 1. The amendment was put to a vote and rejected.

Mr. McCubbins moved to amend by inserting in section 15, schedule B, the words "every National Bank, State Bank and Savings Bank." The amendment was put to a vote and adopted.

The bill then passed its third reading by the following vote, and was ordered to be engrossed and sent to the Senate for concurrence:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Atwater, Barnhardt of Caldwell, Barrett, Bettis, Bizzell, Dortch, Eatman, Elliott, Erwin, Etheridge, Fields, Finger, Freeman, Garrison, Gash, Green, Griffin, Gudger, Hicks, Holt, Hooker, Isler, Johnston, Kendall, Latta, Martin, McCubbins, McIver, McNeill, Means, Mebane, Mizell, Mock, Norment, Parrott, Patton, Presson, Reid, Richardson, Shackelford, Smith of Anson, Smith of Hyde, Staton, Stowe, Strong, Tate, Thompson of Lincoln, Walker of Richmond, Walker of Tyrrell, Whitley, Wiley, Woodhouse and Young —54.

The following gentlemen voted in the negative:

Messrs. Bernheardt of Rowan, Brewington, Bryson, Bunn, Carson, Crews, Davis of Haywood, Dula, Foote, Gaither, Glenn, Good, Harrison, Hill, Hughes, Hurley, Jessup, Jones, Lloyd, McRae, Mitchell, Mcseley, Mullen, Munden, Parker, Pinnix, Proffitt, Scott, Sharpe, Spears, Staples, Thompson of Beaufort, Walden, Ward, Wells, Wheeler, Whisnant and Wood—38.

S. R. No. 835, H. R. No. 213: Resolution in regard to the out-house of the Capitol, was taken up, passed its several readings, and was ordered to be enrolled for ratification.

S. B. No. 660, H. B. No. 783: A bill to incorporate the Snow Hill Branch Railroad Company, was taken up.

The amendments recommended by the Committee on Internal Improvements were adopted.

The question recurred on the bill on its second reading.

The yeas and nays were called, and the bill passed its second reading by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Atwater, Barrett, Bettis, Bizzell, Bryson, Carson, Davis of Haywood, Dortch, Dula, Eatman, Elliott, Erwin, Etheridge, Fields, Foote, Freeman, Gaither, Garrison,

Gash, Glenn, Good, Green, Griffin, Gudger, Harrison, Hicks, Hill, Holt, Hooker, Hurley, Isler, Jessup, Johnston, Jones, Kendall, Latta, Lloyd, Martin, McCalop, McCubbins, McIver, McRae, Means, Mebane, Mock, Moseley, Munden, Parker, Parrott, Patton, Pinnix, Presson, Proffitt, Reid, Richardson, Scott, Shackelford, Sharpe, Smith of Anson, Smith of Hyde, Spears, Staples, Staton, Stowe, Strong, Tate, Thompson of Beaufort, Thompson of Lincoln, Walker of Richmond, Walker of Tyrrell, Ward, Wells, Wheeler, Whisnant, Whitley, Wiley, Wood and Woodhouse—79.

The following gentlemen voted in the negative:

Messrs. Barnhardt of Caldwell, Bernheardt of Rowan, Bunn, Crews and Mitchell-5.

H. B. No. 818: A bill to authorize the commissioners of Cumberland county to refund their debt, was taken up, and passed its third reading by the following vote, and was ordered to be engrossed and sent to the Senate.

The following gentlemen voted in the affirmative:

Messrs. Anderson, Atwater, Barnhardt of Caldwell, Bernheardt of Rowan, Bettis, Bizzell, Brewington, Bryson, Carson, Davis of Haywood, Dortch, Dula, Eatman, Erwin, Etheridge, Fields, Finger, Foote, Freeman, Gaither, Garrison, Gash, Glenn, Good, Green, Griffin, Gudger, Harrison, Hill, Holt, Hooker, Hurley, Isler, Jessup, Johnston, Jones, Kendall, King, Latta, Lloyd, Martin, McCubbins, McIver, McNeill, McRae, Means, Mebane, Mitchell, Mizell, Mock, Moseley, Mullen, Munden, Oaksmith, Parker, Parrott, Patton, Pinnix, Presson, Proffitt, Reid, Richardson, Scott, Shackelford, Sharpe. Smith of Anson, Smith of Hyde, Spears, Staples, Staton, Stowe, Strong, Tate, Thompson of Beaufort, Thompson of Lincoln, Walker of Richmond, Walker of Tyrrell, Ward, Wells, Wheeler, Whisnant, Whitley, Wiley, Wood and Young—85.

Mr. Crews voted in the negative.

H. B. No. 619: A bill to ascertain the indebtedness of the

counties, cities and towns of this State, and to prescribe a statute of limitations, was taken up.

The substitute recommended by the committee was adopted, and the bill passed its third reading, and was ordered to be engrossed.

H. B. No. 764: A bill to incorporate the Dan River Navigation Company, was taken up.

The committee amendments were adopted, and the bill passed its several readings, and was ordered to be engrossed.

H. B. No. 725: A bill in relation to costs in State causes, was taken up.

The committee amendments were adopted, and the bill passed its second reading.

Under a suspension of the rules, the bill came up on its third reading.

Mr. Davis, of Haywood, moved to lay the bill on the table. The motion was put to a vote and rejected. The bill then passed its third reading, and was ordered to be engrossed.

S. R. No. 794, H. R. No. 197: A resolution in regard to the Board of Public Charities, was taken up, adopted, and ordered to be enrolled for ratification.

S. B. No. 541, H. B. No. 720: A bill to amend the charter of the city of Wilmington, was taken up and passed its several readings, and was ordered to be enrolled for ratification.

S. B. No. 633, H. B. No. 656: A bill to incorporate the town of Youngsville, Franklin county, was taken up, passed its several readings, and was ordered to be enrolled for ratification.

H. B. No. 245: A bill to amend chapter 111, section 32, Battle's Revisal, was taken up.

The question recurred on the substitute offered by the committee.

On the call of Mr. Walker, of Richmond, the previous question was ordered.

The substitute was adopted, and the bill passed its several readings, and was ordered to be engrossed.

On motion, the House adjourned until to-morrow morning at 10 A. M.

# EIGHTIETH DAY.

Tuesday, March 16th, 1875.

The House was called to order at 10 A. M., Mr. Speaker Robinson in the chair.

Prayer by Rev. Mr. Marshall, of this city.

On motion, the reading of the Journal of yesterday was dispensed with.

# INTRODUCTION OF PETITIONS, &C.

Mr. Patton presented a petition from citizens of Asheville in regard to the location of the branch insane asylum.

The petition was read and placed on the calendar.

#### REPORTS OF COMMITTEES.

Mr. Richardson, from the Committee on Corporations, reported favorably on H. B. No. 861: A bill to amend the act to incorporate the town of Elizabethtown, Bladen county.

Mr. Tate, from the Finance Committee, reported on H. B. No. 758: A bill to enable the Bureau of Immigration, &c., to obtain information, &c., recommending the adoption of an accompanying substitute; and favorably on

H. B. No. 841: A bill to authorize the commissioners of Madison county to compromise their debt; and also on

S. B. No. 770, H. B. No. 830: A bill to authorize the commissioners of Northampton county to levy a special tax.

Mr. Mebane, from the Committee on the Judiciary, reported

favorably on H. B. No. 837: A bill to authorize the farming out of convicts; and favorably, with amendment, on

H. B. No. 663: A bill to amend the general corporation law.

Mr. Reid, from the Committee on Claims, reported unfavorably on H. R. No. 198: Resolution in favor of John C. Gorman, Adjutant General.

The following bills and resolutions, reported as correctly engrossed by the Committee on Engrossed Bills, were transmitted to the Senate for concurrence:

H. B. No. 832: A bill supplemental to an act entitled an act to compromise, commute and settle the State debt;

H. B. No. 800: A bill to amend section 17, chapter 2, Battle's Revisal, entitled agriculture and geology;

H. B. No. 780: A bill to prevent the netting of birds in the county of Forsythe;

H. R. No. 187: Resolution in regard to the American Centennial;

H. R. No. 215: Resolution of instruction to the State Treasurer;

H. B. No. 661: A bill to incorporate the Grange Bank of Cumberland county.

The following bills and resolutions reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the Senate:

An act to authorize the board of commissioners of Haywood county to levy a special tax;

An act to authorize the board of commissioners of Watauga county to re-establish burnt and lost records of their court;

An act to amend an act entitled an act to prevent live stock from running at large within Cabarrus and certain other counties, ratified 12th February, 1875;

An act to incorporate the Nashville Lodge, No. 84, I. O. O. F., in Nash county;

An act to define the jurisdiction of the mayor or intendant of the towns of Salisbury and Louisburg; An act to lay out and construct a public road from the Virginia line to the top of the Blue Ridge, Alleghany county;

An act for the protection of birds in the county of Davidson and other counties;

An act to prevent the sale of intoxicating liquors within two and one-half miles of Rocky River church, in Cabarrus county;

An act for the more effectual prosecution of offenders against the criminal laws of the State;

An act in relation to changing gauge of railroads;

An act to amend the charter of the town of Durham;

An act to lay out and construct a public road through the counties of Watauga and Caldwell;

An act to compromise, commute and settle the State debt; An act to amend the charter of the town of LaGrange, in the county of Lenoir;

An act to incorporate the town of Weaversville, in the county of Buncombe;

An act concerning Antioch Camp Ground, in Alleghany county, and to incorporate a board of trustees therefor;

An act to incorporate the Western North Carolina Land and Colonization Company;

An act to change the line of the counties of Alleghany and Surry;

An act to incorporate the Americus Mining Company, in the county of Haywood;

An act to extend the corporate limits of the town of Carthage, in the county of Moore;

An act to lay out and construct a public road from Peach Bottom Copper Mine, in Alleghany county, to the Virginia line;

An act to authorize the county commissioners of Cherokee county to levy a special tax;

An act to punish breaking into uninhabited houses with intent to commit a felony;

An act to prevent the felling of trees or throwing obstruction in Big Bear creek, in Stanly county; An act amendatory of the law concerning suits against railroad corporations;

Resolution in favor of Joseph Marshall, late sheriff of Stanly county;

Resolution in favor of witnesses in the matter of J. Williams Thorne;

Resolution in favor of S. Trivett;

On motion of Mr. Tate, the calendar was placed at the disposal of the Speaker.

#### CALENDAR.

H. B. No. 827: A bill to incorporate the Piedmont and Yadkin Valley Railroad Company, was taken up, passed its several readings, and was ordered to be sent to the Senate without engrossment.

S. B. No. 358, H. B. No. 537: A bill to amend section 53, chapter 17, sub-division 4, Battle's Revisal, was taken up, passed its several readings, and was ordered to be enrolled for ratification.

S. B. No. 870, H. B. No. 846: A bill to appoint Trustees for Pleasant Retreat Academy, Lincolnton, N. C., was taken up, passed its several readings, and was ordered to be enrolled for ratification.

H. B. No. 841: A bill to authorize the commissioners of Madison county to compromise their debt, was taken up, passed its second reading by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Atwater, Barnhardt of Caldwell, Bernheardt of Rowan, Barrett, Bennett, Bettis, Bizzell, Brewington, Bryan, Bryson, Candler, Carson, Davis of Haywood, Davis of Jackson, Dortch, Eatman, Elliott, Erwin, Etheridge, Fields, Finger, Freeman, Gaither, Garrison, Gash, Glenn, Godwin, Good, Green, Griffin, Gudger, Harrison, Haymore, Hicks, Hill, Holt, Hooker, Hughes, Hurley, Jessup, Johnston, Jones, Kendall, Latta, Martin, McCalop, McCubbins, McIver, McNeill, McRae,

Mebane, Mitchell, Mizell, Mock, Moseley, Munden, Norment, Page, Parker, Parrott, Patton, Pinnix, Presson, Proffitt, Reid, Richardson, Scott, Shackelford, Sharpe, Smith of Anson, Smith of Hyde, Staples, Staton, Stephenson, Stowe, Tate, Thompson of Beaufort, Thompson of Lincoln, Walker of Richmond, Walker of Tyrrell, Ward, Wells, Wheeler, Whisnant, Whitley, Wiley, Woodhouse and Young—88.

The following gentlemen voted in the negative: Messrs. Bunn, Crews, Lloyd, Newell and Walden—5.

S. B. No. 770, H. B. No. 830: A bill to authorize the commissioners of Northampton county to levy a special tax, was taken up, and passed its second reading by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Atwater, Barnhardt of Caldwell, Bernheardt of Rowan, Barrett, Bennett, Bettis, Bizzell, Brewington, Bryan, Bryson, Candler, Carson, Davis of Haywood, Davis of Jackson, Dortch, Eatman, Elliott, Erwin, Etheridge Fields, Finger, Freeman, Gaither, Garrison, Gash, Glenn Godwin, Good, Green, Griffin, Gudger, Harrison, Haymore, Hicks, Hill, Holt, Hooker, Hughes, Jessup, Johnston, Jones, Kendall, King, Latta, Lloyd, McCalop, McCubbins, McIver, McNeill, McRae, Means, Mebane, Mitchell, Mizell, Moseley, Mullen, Munden, Norment, Page, Parker, Patton, Pinnix, Presson, Proffitt, Reid, Richardson, Scott, Shackelford, Sharpe, Smith of Hyde, Spears, Staples, Staton, Stephenson, Stowe Thompson of Beaufort, Thompson of Lincoln, Walden, Walker of Richmond, Walker of Tyrrell, Ward, Wells, Wheeler, Whisnant, White, Whitley, Wiley, Wood, Woodhouse and Young -91

Mr. Carter voted in the negative.

S. B. No. 776, H. B. No. 774: A bill to authorize the commissioners of Franklin county to levy a special tax, was taken up.

Mr. Mitchell offered the following amendment, which was adopted:

Provided, The State and county tax combined, including said special tax, shall not in any one year exceed the rate of one dollar and twenty-five cents on one hundred dollars worth of property.

The bill then passed its third reading by the following vote, and was ordered to be sent to the Senate/for concurrence:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Atwater, Barnhardt of Caldwell, Bernheardt of Rowan, Barrett, Bennett, Bettis, Bizzell, Boyd, Brewington, Bryan, Bryson, Candler, Carson, Davis of Haywood, Davis of Jackson, Dortch, Eatman, Elliott, Erwin, Etheridge, Fields, Finger, Freeman, Gaither, Garrison, Gash, Glenn, Godwin, Good, Green, Griffin, Gudger, Harrison, Haymore, Hicks, Hill, Holt, Hooker, Hurley, Jessup, Johnston, Jones, Kendall, King, Latta, Martin, McCalop, McCubbins, McIver, McNeill, McRae, Means, Mitchell, Mizell, Mock, Moseley, Mullen, Munden, Norment, Page, Parker, Parrott, Patton, Pinnix, Presson, Proffitt, Reid, Shackelford, Sharpe, Smith of Anson, Smith of Hyde, Spears, Staples, Staton, Stephenson, Stowe, Strong, Tate, Thompson of Beaufort, Thompson of Lincoln, Walden, Walker of Richmond, Walker of Tyrrell, Ward, Wells, Whisnant, White, Whitley, Wiley, Wood, Woodhouse and Young- 93.

The following gentlemen voted in the negative:

Messrs. Bunn, Carter, Crews and Lloyd-4.

H. B. No. 836: A bill to amend chapter 137, laws of 1873-74, was taken up, passed its several readings, and was ordered to be engrossed.

S. B. No. 609, H. B. No. 613: A bill to levy a special tax in Hyde county, was taken up, passed its third reading by the following vote, and was orded to be enrolled for ratification:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Atwater, Barnett, Barnhardt of Caldwell, Bernheardt of Rowan, Barrett, Bennett, Bettis, Bizzell, Boyd, Brewington, Bryson, Candler, Carson, Davis of Hay-

wood, Davis of Jackson, Dortch, Eatman, Elliott, Erwin, Etheridge, Fields, Finger, Freeman, Gaither, Garrison, Glenn, Godwin, Good, Green, Griffin, Gudger, Harrison, Haymore, Hill, Holt, Hooker, Hughes, Hurley, Isler, Jessup, Johnston, Jones, Kendall, King, Latta, Lloyd, Martin, McCalop, McCubbins, McIver, McNeill, McRae, Means, Mebane, Mendenhall, Mitchell, Mizell, Mock, Moseley, Mullen, Munden, Norment, Page, Parker, Parrott, Patton, Pinnix, Presson, Proffitt, Reid, Shackelford, Sharpe, Smith of Anson, Smith of Hyde, Spears, Staples, Staton, Stephenson, Stowe, Thompson of Beaufort, Thompson of Lincoln, Walden, Walker of Richmond, Walker of Tyrrell, Ward, Wells, Wheeler, Whisnant, White, Whitley, Wiley, Wood, Woodhouse and Young—95.

Mr. Crews voted in the negative.

S. B. No. 761, H. B. No. 775: A bill to authorize the commissioners of Hertford county to issue bonds, &c., was taken up, passed its third reading by the following vote, and was ordered to be enrolled for ratification.

The following gentlemen voted in the affirmative:

Messrs. Anderson, Atwater, Barnett, Barnhardt of Caldwell, Bernheardt of Rowan, Barrett, Bennett, Bettis, Bizzell, Boyd, Bryan, Bryson, Candler, Carson, Davis of Haywood, Davis of Jackson, Dortch, Eatman, Elliott, Erwin, Etheridge, Fields, Finger, Freeman, Gaither, Garrison, Gash, Glenn, Good, Green, Griffin, Gudger, Harrison, Haymore, Hill, Holt, Hooker, Hurley, Jessup, Johnston, Jones, Kendall, King, Latta, Lloyd, Martin, McCalop, McCubbins, McIver, McNeill, McRae, Means, Mitchell, Mizell, Mock, Moseley, Mullen, Munden, Newell, Norment, Page, Parker, Parrott, Patton, Pinnix, Presson, Proffitt, Reid, Richardson, Shackelford, Sharpe, Smith of Anson, Smith of Hyde, Spears, Staples, Staton, Stephenson, Stowe, Strong, Thompson of Beaufort, Thompson of Lincoln, Walden, Walker of Richmond, Walker of Tyrrell, Ward, Wells, Whisnant, White, Whitley, Wiley, Wood, Woodhouse and Young-93.

Mr. Godwin voted in the negative.

S. B. No. 660, H. B. No. 783: A bill to incorporate the Snow Hill Branch Railroad Company, was taken up.

The committee amendments were adopted, and the bill passed its third reading by the following vote, and was ordered to be sent to the Senate for concurrence in the House amendments:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Atwater, Barrett, Bennett, Bettis, Boyd, Brewington, Bryson, Candler, Carson, Carter, Davis of Haywood, Davis of Jackson, Dortch, Eatman, Elliott, Erwin, Etheridge, Fields, Finger, Freeman, Gaither, Garrison, Gash, Glenn, Godwin, Good, Green, Gudger, Harrison, Haymore, Hill, Holt, Hooker, Jessup, Jones, Kendall, King, Latta, Martin, McCalop, McCubbins, McIver, McNeill, McRae, Means, Mebane, Mitchell, Mizell, Mock, Moseley, Mullen, Munden, Norment, Page, Parker, Parrott, Patton, Pinnix, Presson, Proffitt, Reid, Shackelford, Sharpe, Smith of Anson, Smith of Hyde, Spears, Staples, Stowe, Thompson of Beaufort, Thompson of Lincoln, Walden, Walker of Richmond, Walker of Tyrrell, Ward, Wells, Whisnant, White, Wiles, Wood, Woodnouse and Young—82.

The following gentlemen voted in the negative:

Messrs. Barnhardt of Caldwell, Bernheardt of Rowan, Bunn, Crews and Lloyd-5.

S. B. No. 474, H. B. No. 635: A bill for the relief of the ureties of the late sheriff of Halifax county, was taken up, passed its several readings, and was ordered to be enrolled for atification.

S. B. No. 429, H. B. No. 578: A bill to amend chapter 64, 3attle's Revisal, was taken up.

Mr. Hughes moved to postpone, print, and make special rder for Friday at 12 M.

On the call of Mr. Strong, the previous question was rdered.

Mr. Hughes' motion was put to a vote and rejected.

On the call of Mr. Barrett, the yeas and nays were had, and the bill passed its second reading by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Atwater, Barrett, Bennett, Bettis, Bizzell, Bryan, Dortch, Eatman, Erwin, Etheridge, Fields, Finger, Freeman, Gaither, Garrison, Green, Gudger, Haymore, Holt, Hooker, Isler, Jessup, Kendall, Latta, Martin, McCalop, McCubbins, McIver, McRae, Means, Mebane, Mock, Moseley, Mullen, Page, Parrott, Patton, Pinnix, Presson, Reid, Richardson, Shackelford, Sharpe, Smith of Anson, Smith of Hyde, Spears, Staples, Staton, Stephenson, Stowe, Strong, Thompson of Beaufort, Thompson of Lincoln, Walker of Richmond, Walker of Tyrrell, Wells, Whitley, Woodhouse and Young—60.

The following gentlemen voted in the negative:

Messrs. Barnett, Bernhardt of Rowan, Boyd, Brewington, Bryson, Bunn, Candler, Carson, Carter, Cary, Crews, Davis of Haywood, Davis of Jackson, Dula, Foote, Gash, Glenn, Godwin, Good, Griffin, Hicks, Hill, Hughes, Jones, King, Lloyd, McNeill, Mitchell, Mizell, Moore, Munden, Newell, Norment, Parker, Proffitt, Walden, Ward, Wheeler, Whisnant, White and Wood—40.

Under a suspension of the rules, the bill came up on its third reading.

On the call of Mr. Strong, the previous question was ordered.

The committee amendments were read and adopted.

Mr. King offered the following amendment, of which notice had been given: After the word "written" in section first, strike out the words "or verbal."

The yeas and nays were called, and the amendment was rejected by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Bernheardt of Rowan, Bettis, Bizzell, Boyd, Brewington, Bryson, Bunn, Candler, Carter, Crews, Davis of Haywood, Davis of Jackson, Elliott, Foote, Gash, Glenn, Godwin, Good, Griffin, Harrison, Hicks, Hill, Hughes, Hur-

ley, Jones, King, McIver, Mitchell, Moore, Munden, Proffitt, Walden, Walker of Tyrrell, Ward, White and Wood—36.

The following gentlemen voted in the negative:

Messrs. Atwater, Barrett, Bennett, Bryan, Carson, Dortch, Dula, Eatman, Erwin, Etheridge, Fields, Finger, Freeman, Gaither, Garrison, Green, Gudger, Haymore, Holt, Hooker, Isler, Jessup, Johnston, Kendall, Latta, Martin, McCalop, McCubbins, McNeill, McRae, Means, Mebane, Mizell, Mock, Moseley, Mullen, Oaksmith, Page, Parker, Parrott, Patton, Pinnix, Presson, Reid, Richardson, Scott, Shackelford, Sharpe, Smith of Anson, Smith of Hyde, Spears, Staples, Staton, Stephenson, Stowe, Strong, Thompson of Beaufort, Thompson of Lincoln, Walker of Richmond, Wells, Wheeler, Whisnant, Whitley, Wiley, Woodhouse and Young—66.

Mr. Crews offered the following amendment, of which notice had been given, which was rejected:

Provided, That this act shall not apply to Granville county. The bill then passed its third reading, and was ordered to be enrolled for ratification.

Mr. Strong moved to reconsider the vote by which the bill passed its third reading, and to lay that motion on the table. The motion to table prevailed.

H. R. No. 209: A resolution in favor of James Farriss and James Lumley, was taken up, passed its several readings, and vas ordered to be engrossed.

By consent, Mr. Strong: A bill to repeal chapter 73, laws 873-'74. Placed on the calendar.

By consent, Mr. Strong submitted a report from the Judiliciary Committee, recommending the passage of

H. B. No. 826: A bill to citizenize certain Indians belonging the eastern band of Cherokees in North Carolina.

S. B. No. 816, H. B. No. 788: A bill to authorize the comnissioners of Washington county to levy a special tax, was aken up, passed its third reading by the following vote, and was ordered to be sent to the Senate for concurrence in the House amendments.

The following gentlemen voted in the affirmative:

Messrs. Anderson, Atwater, Barnhardt of Caldwell, Bernheardt of Rowan, Bennett, Bettis, Bizzell, Brewington, Bryan, Bryson, Candler, Carson, Carter, Crews, Davis of Haywood, Davis of Jackson, Dortch, Dula, Eatman, Elliott, Erwin, Etheridge, Fields, Finger, Foote, Freeman, Gaither, Garrison, Glenn, Godwin, Green, Griffin, Gudger, Harrison, Haymore, Hill, Holt, Hooker, Hughes, Hurley, Isler, Johnston, Jones, Kendall, King, Latta, Martin, McCalop, McCubbins, McIver, McNeill, Means, Mebane, Mitchell, Mizell, Mock, Moseley, Mullen, Munden, Newell, Norment, Page, Parker, Patton, Pinnix, Presson, Proffitt, Reid, Shackelford, Sharpe, Smith of Anson, Spears, Staton, Stephenson, Stowe, Thompson of Beaufort, Thompson of Lincoln, Walker of Richmond, Walker of Tyrrell, Ward, Wells, Whisnant, White, Whitley, Wiley, Wood, Woodhouse and Young—88.

The following gentlemen voted in the negative:

Messrs. Bunn and Moore-2.

By consent, Mr. Norment: A resolution of thanks to the Speaker of the House.

On motion of Mr. Norment, the rules were suspended, and the resolution was taken up, and made special order for Saturday next at 12 M.

H. B. No. 257: A bill for the better enforcement of contracts and the enhancement of agriculture, was taken up.

The question recurred upon the substitute reported by the Judiciary Committee.

Mr. Means offered the following amendment:

That chapter 70, Battle's Revisal, is hereby repealed.

On the call of Mr. Means, the previous question was ordered. The amendment of Mr. Means was put to a vote and lost for the want of a quorum.

The question recurred on the substitute.

On the call of Mr. Erwin, the yeas and nays were had, and the substitute failed by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Bizzell, Dortch, Freeman, Green, Holt, Means, Reid and Walker of Richmond—8.

The following gentlemen voted in the negative:

Messrs. Atwater, Barnhardt of Caldwell, Bernheardt of Rcwan, Barrett, Bettis, Boyd, Brewington, Bryan, Bryson, Bunn, Carson, Carter, Crews, Davis of Haywood, Davis of Jackson, Dula, Eatman, Elliott, Erwin, Etheridge, Fields, Finger, Foote, Gaither, Garrison, Gash, Glenn, Godwin, Good, Griffin, Gudger, Harrison, Haymore, Hicks, Hill, Hooker, Hughes, Jessup, Johnston, Jones, Kendall, Latta, Lloyd, Martin, McCalop, McCubbins, McIver, McNeill, McRae, Mebane, Mitchell, Mizell, Mock, Moore, Moseley, Mullen, Munden, Newell, Norment, Oaksmith, Page, Parker, Parrott, Patton, Pinnix, Presson, Proffitt, Richardson, Scott, Shackelford, Sharpe, Spears, Staples, Staton, Stephenson, Strong, Tate, Thompson of Beaufort, Walden, Walker of Tyrrell, Ward, Wells, Whisnant, White, Woodhouse and Young—86.

The question next recurred on the bill on its second reading, and it was rejected by the following vote:

The following gentlmen voted in the affirmative:

Messrs. Bryan and Means-2.

The following gentlemen voted in the negative:

Messrs. Anderson, Atwater, Barnhardt of Caldwell, Bernheardt of Rowan, Barrett, Bennett, Bettis, Bizzell, Boyd, Brewington, Bryson, Bunn, Candler, Carson, Carter, Crews, Davis of Haywood, Davis of Jackson, Dortch, Dula, Eatman, Elliott, Erwin, Etheridge, Fields, Finger, Foote, Freeman, Garrison, Gash, Glenn, Godwin, Good, Green, Griffin, Gudger, Harrison, Haymore, Hicks, Hill, Holt, Hooker, Hughes, Hurley, Jessup, Jones, Kendall, Latta, Lloyd, Martin, McCalop, McCubbins, McIver, McNeill, McRae, Mebane, Mitchell, Mizell, Mock, Moore, Moseley, Munden, Newell, Norment, Oaksmith,

Page, Parker, Parrott, Patton, Pinnix, Presson, Proffitt, Reid Richardson, Scott, Shackelford, Sharpe, Smith of Anson, Spears, Staples, Staton, Stephenson, Strong, Thompson of Beaufort, Thompson of Lincoln, Walden, Walker of Richmond, Walker of Tyrrell, Ward, Wells, Whisnant, White, Whitley, Woodhouse and Young—95.

A message was received from the Senate informing the House that the Senate had receded from its amendments to H. B. No. 856, S. B. No. 946: A bill to facilitate the trial of actions in the nature of quo warranto, and adhered to its amendments to H. B. No. 481, S. B. No. 786: A bill for the relief of the farmers in Murphy Swamp and Carver's Neck, Rockfish township, Cumberland county, and naming Messrs' Pegram and French as the Senate branch of the proposed committee of conference.

H. B. No. 856, S. B. No. 946, was ordered to be enrolled for ratification, and Messrs. Jessup, McCalop and Norment were announced as the House branch of the committee of conference on H. B. No. 481, S. B. No. 786.

A message was received from the Senate transmitting the following, and asking concurrence therein:

- S. B. No. 907: A bill to prohibit the liquor traffic in certain localities;
- S. B. No. 232: A bill to establish a public road from Horse Gap to the Virginia line;
- S. B. No. 380: A bill to incorporate the Beaufort and Neuse Canal and Navigation Trust;
  - S. B. No. 307: A bill concerning pilots;
- S. B. No. 826: A bill to incorporate the Marion and Jefferson Turnpike Company;

Engrossed amendments to S. R. No. 953, H. R. No. 166: A resolution in relation to the Chesapeake and Albemarle Canal Company;

Engrossed amendments to S. B. No. 890, H. B. No. 682: A bill to amend the charter of the Beaver Dam Manufacturing Company;

Engrossed amendments to S. B. No. 801, H. B. No. 527: A bill for the relief of Mike Woods, of Wayne county;

Engrossed amendments to S. B. No. 617, H. B. No. 455:

A bill to incorporate the Shaw University;

Engrossed amendments to S. B. No. 809, H. B. No. 372: A bill to incorporate the town of Franklinsville, Randolph county.

They were read the first time and disposed of, as follows:

Senate Bills Nos. 826 and 232 were placed on the calendar; Senate Bills Nos. 307 and 907 were referred to the Committee on Propositions and Grievances;

S. B. No. 380 was referred to the Committee on Internal

Improvements;

The Senate amendments to S. B. No. 890, H. B. No. 682, S. R. No. 953, H. R. No. 166, S. B. No. 809, H. B. No. 372, S. B. No. 801, H. B. No. 527, and S. B. No. 617, H. B. No. 455, were concurred in, and they were ordered to be enrolled for ratification.

Mr. Tate moved to suspend the rules to have a reconsideration of the vote by which the revenue bill passed its third reading, for the purpose of offering an amendment.

The motion prevailed, and Mr. Tate offered the following amendment:

"Amend chapter 1, section 1, line 2, strike out 'twenty' and insert 'fourteen and two-third."

The amendment was adopted.

On the passage of the bill on its third reading, Mr. Tate demanded the previous question.

The call was sustained, and the bill passed by the following vote:

The following gentlemen voted in the affimative:

Messrs. Anderson, Atwater, Barnhardt of Caldwell, Bernheardt of Rowan, Barrett, Bennett, Bettis, Bizzell, Bryson, Candler, Davis of Haywood, Davis of Jackson, Dortch, Eatman, Elliott, Erwin, Etheridge, Fields, Finger, Foote, Free-

man, Gaither, Garrison, Gash, Green, Griffin, Gudger, Harrison, Haymore, Hooker, Hurley, Isler, Jessup, Johnston, Kendall, King, Latta, Martin, McCalop, McCubbins, McIver, McNeill, McRae, Means, Mebane, Mitchell, Mock, Moore, Moseley, Mullen, Norment, Page, Parrott, Patton, Pinnix, Presson, Proffitt, Reid, Richardson, Shackelford, Sharpe, Smith of Anson, Smith of Hyde, Spears, Staton, Stephenson, Stowe, Strong, Tate, Walker of Richmond, Walker of Tyrrell, Wells, Whisnant, Whitley, Wiley, Woodhouse and Young—77.

The following gentlemen voted in the negative:

Messrs. Brewington, Bunn, Carson, Carter, Crews, Glenn, Godwin, Good, Hill, Jones, Lloyd, Munden, Newell, Parker, Thompson of Lincoln, Walden, Ward, Wheeler and White—19.

The calendar was resumed, and

- S. B. No. 468: A bill to allow the commissioners of Guilford and Rockingham counties, to employ convict labor to drain certain lands in said counties, was put on its several readings and passed, and was ordered to be enrolled for ratification.
- S. B. No. 826: A bill to incorporate the Marion and Jefferson Turnpike Company, passed its several readings, and was ordered to be enrolled for ratification.
- S. R. No. 813: A resolution in favor of Sarah E. Wilder, passed its several readings, and was ordered to be enrolled.
- H. B. No. 826: A bill to citizenize certain Indians belonging to the eastern band of Cherokee Indians in North Carolina; and
- H. B. No. 870: A bill to repeal chapter 73, of the laws of 1873-'74, were put on their several readings and passed, and were ordered to be engrossed and sent to the Senate.
- S. B. No. 592: A bill to allow Catawba Springs township, in Lincoln county, an additional justice of the peace, passed its several readings, was ordered to be enrolled for ratification.

By consent, Mr. Means introduced a bill for the better enforcement of contracts and the enhancement of agriculture, which was referred to the Committee on the Judiciary.

By consent, Mr. Moore introduced a bill to incorporate Brooklyn Bucket Company, of the city of Wilmington, which was placed on the calendar.

H. B. No. 837: A bill to authorize the farming out of convicts, was put on its several readings and passed.

Mr. Finger moved that the vote by which the bill passed, be reconsidered, and that motion be laid on the table.

The motion to table prevailed, and on the further motion of Mr. Finger, the bill was ordered to be transmitted to the Senate without engrossment, and it was so transmitted.

- S. B. No. 747: A bill to amend an act passed at the present session of the General Assembly to change the times of holding the courts in the 3rd Judicial District;
- S. B. No. 621: A bill to amend the charter of the North Carolina Home Insurance Company; and
- S. B. No. 290: A bill in regard to compromises, were put on their several readings and passed, and were ordered to be enrolled for ratification;
- S. B. No. 667: A bill to protect the fishing interest in Neuse river and Cotentnea creek, was taken up, passed its several readings, and was ordered to be enrolled for ratification.

H. B. No. 824: A bill to restore the charter of the town of Beaufort, was taken up.

A substitute offered by Mr. Scott was accepted, and pending consideration of the bill, the House yielded to a motion to adjourn, and adjourned until 7:30 o'clock this evening.

# EVENING SESSION.

The House was called to order at half past 7 o'clock, Mr. McRae in the chair.

On motion of Mr. Freeman, the calendar was placed at the disposal of the Speaker.

S. B. No. 581, H. B. No. 831: A bill to incorporate the

Mecklenburg Centennial Association, was taken up, passed its several readings, and was ordered to be enrolled.

H. B. No. 605: A bill to amend chapter 100, laws of 1873-'74, was taken up, passed its several readings, and was ordered to be engrossed.

H. B. No. 724: A bill to extend the time for transferring causes, was taken up, passed its several readings, and was ordered to be engrossed.

S. B. No. 678, H. B. No. 731: A bill to incorporate the Wilmington Coast Turnpike Company was taken up, passed its several readings, and was ordered to be enrolled for ratification.

H. B. No. 726: A bill to require Clerks of Superior Courts and Registers of Deeds to keep complete indexes, was taken up and laid on the table.

H. B. No. 735: A bill to amend chapter 45, section 8, laws of 1872-'73, &c., was taken up, passed its several readings, and was ordered to be engrossed.

H. B. No. 739: A bill to allow the commissioners of Cabarrus county to purchase land for a site for a court house, &c., was taken up, and passed over informally.

H. B. No. 758: A bill to enable the Bureau of Immigration, Statistics and Agriculture to obtain information, &c., was taken up.

The question recurred on the substitute offered by the Committee on Finance.

On motion of Mr. Patton, the bill was passed over informally.

H. B. No. 739: A bill to allow the commissioners of Cabarrus county to purchase land for a court house site, &c., was again taken up, and,

On motion of Mr. Means, was laid on the table.

By consent, Mr. Oaksmith, from the Committee on Internal Improvements, reported on the following bills, recommending their passage:

S. B. No. 595, H. B. No. 845. A bill to charter the Monroe and Lancaster Narrow Gauge Railroad Company;

- S. B. No. 843, H. B. No. 852: A bill to prevent discrimination in freight tariffs by railroad companies operating in this State;
- S. B. No. 380, H. B. No. 873: A bill to incorporate the "Beaufort and Neuse Canal and Navigation Trust."

On motion of Mr. Griffin,

- H. B. No. 735, was ordered to be transmitted to the Senate without engrossment.
- H. B. No. 772: A bill to validate certain marriages in Randolph county, was taken up, and,

On motion of Mr. Kendall, laid on the table.

- S. B. No. 623, H. B. No. 587: A bill to preserve the public records of Burke county, &c., was taken up, passed its several readings, and was ordered to be enrolled for ratification.
- H. B. No. 773: A bill to vest lands purchased by the State for taxes in the trustees of the University, was taken up, and,

On motion, was laid on the table.

By consent, Mr. Pinnix, from the Judiciary Committee, reported on

House Bills Nos. 468, 497, 733 and 734: Bills in regard to lunatics in the several counties of the State, recommending a substitute therefor.

On motion of Mr. Gudger,

H. B. No. 733, was taken from the table.

On motion of Mr. Strong, the consideration of the bill was postponed, and made special order for Friday at 11 A. M.

H. B. No. 781: A bill to punish the fraudulent use of brands, was taken up, passed its several readings, and was ordered to be engrossed.

By consent, Mr. Pinnix, from the Judiciary Committee, reported on

S. B. No. 911, H. B. No. 850: A bill to amend section 34, sub-division 9, chapter 17, Battle's Revisal, recommending its passage.

H. R. No. 216: A resolution in favor of J. T. Price, sheriff of Pasquotank county, was taken up.

On motion of Mr. Thompson, of Beaufort, the resolution was referred to the Committee on Claims,

- S. B. No. 490, H. B. No. 585: A bill for the dissolution of the Roanoke Navigation Company, was taken up, passed its several readings, and was ordered to be enrolled for ratification.
- S. R. No. 288, H. R. No. 119: A resolution in favor of Godfrey Keebler, was taken up, passed its several readings, and was ordered to be enrolled for ratification.
- H. B. No. 804: A bill to prohibit the giving or selling of intoxicating liquors near Shocco Chapel, Warren county, was taken up.

The committee amendments were adopted, and the bill passed its severol readings, and was ordered to be engrossed and sent to the Senate.

- By Mr. Patton: A bill to protect private stockholders, and to authorize the consolidation of railroads. Referred to the Committee on Internal Improvements.
- S. B. No. 194, H. B. No. 441: A bill to appoint public guardians, was taken up.
- Mr. Norment moved to amend by providing that guardians appointed under this act, shall receive the same compensation as other guardians. The amendment was adopted.
- Mr. Staples moved to amend by striking out the last section, and adding "that this act shall not go into effect until two years after its ratification."

The amendment was reject, and the bill passed its several readings, and was ordered to be sent to the Senate for concurrence in the House amendments.

H. B. No. 663: A bill to amend the general corporation law of the State, was taken up.

The committee amendments were adopted, and the bill passed its second reading.

Under a suspension of the rules, the bill came up on its third reading.

On motion of Mr. Staples, the further consideration of the

bill was postponed, and made special order for to-morrow at half past twelve o'clock.

S. B. No. 542, H. B. No. 666: A bill to incorporate Whitaker's Mills, Nash county, was taken up.

The amendments of the committee were adopted, and the bill passed its several readings, and was ordered to be sent to the Senate for concurrence in the House amendments.

S. B. No. 451, H. B. No. 744: A bill concerning evidence of fraud where the State is concerned, was taken up, passed its several readings, and was ordered to be enrolled for ratification.

The substitute of the Judiciary Committee for House Bills. Nos. 468, 497, 733 and 734, bills in regard to lunatics in the several counties of the State, was taken up and adopted.

The bill then passed its several readings, and was ordered to be engrossed as H. B. No. 879.

- H. B. No. 876: A bill to incorporate the Brooklyn Bucket Company, Wilmington, North Carolina, was taken up, passed its several reading, and was ordered to be engrossed.
- S. B. No. 303, H. B. No. 526: A bill to change the time of salesday, was taken up, passed its several readings, and was ordered to be enrolled for ratification.
- S. B. No. 764, H. B. No. 762: A bill to suspend the operation of the usury law, &c., was taken up.

On motion of Mr. Erwin, the bill was made special order for Friday at 12 M.

- H. B No. 727: A bill to strike out section 343, chapter 17, Battle's Revisal, was taken up, passed its several readings, and was ordered to be engrossed.
- H. B. No. 838: A bill to incorporate the Wilmington Fire Company, was taken up, passed its several readings, and was ordered to be engrossed.
- H. B. No. 171: A bill providing for the appointment of a day policeman for the capitol building, was taken up, and, on motion, laid on the table.
- H. B. No. 801: A bill to punish fraud in certain cases, was-taken up, and, on motion, laid on the table.

H. R. No. 819: A bill for the relief of E. P. Powell and S. T. Hawley, &c., was taken up, passed its several readings, and was ordered to be engrossed.

H. B. No. 858: A bill to allow a jury in Madison county to lay off a road to Marshall, N. C., was taken up, passed its several readings, and was ordered to be engrossed.

On motion, the House adjourned until to-morrow at 10 A. M.

# EIGHTY-FIRST DAY.

WEDNESDAY, March 17th, 1875.

The House was called to order at 10 A. M., Mr. Speaker Robinson in the chair.

Prayer by the Rev. Mr. Pritchard, of this city.

The reading of the Journal of yesterday was dispensed with.

# REPORTS OF STANDING COMMITTEES.

Mr. Richardson, from the Committee on Corporations, reported favorably on

S. B. No. 793, H. B. No. 866: A bill to incorporate the Ridgeway Cemetery Association;

H. B. No. 766: A bill to incorporate the Clarendon Gas Light Company; and favorably, with amendment, on

H. B. No. 570: A bill to incorporate the Raleigh Manufacturing Company;

H. B. No. 855: A bill to incorporate the Rocky Ford Manufacturing Company, Richmond county.

Mr. Gash, from the Committee on Finance, reported favorably, with amendment, on

S. R. No. 611, H. R. No. 163: A resolution in regard to the funeral expenses of the late Governor Caldwell.

Mr. Sharpe, from the Committee on Propositions and Grievances, reported unfavorably on

H. R. No. 217: A resolution in favor of Sidney Deal, of Caldwell county.

Mr. Hicks, from the Committee on Propositions and Grievances, reported favorably on

S. B. No. 907, H. B. No. 874: A bill to prohibit the liquor traffic in certain localities.

Mr. Reid, from the Committee on Claims, reported favorably, with amendment, on

H. R. No. 216: A resolution in favor of J. T. Price, sheriff of Pasquotank county.

Mr. Barnhardt, of Caldwell, from the Committee on Propositions and Grievances, reported favorably on

S. B. No. 307, H. B. No. 875: A bill concerning pilots, and begged to be discharged from the further consideration of

H. B. No. 862: A bill to promote fish culture in North Carolina.

Mr. McRae, from the Committee on Internal Improvements, reported favorably on

H. B. No. 878: A bill to protect private stockholders, and to authorize the consolidation of railroads.

Mr. Pinnix, from the Judiciary Committee, reported favorably, with amendment, on H. B. No. 734: A bill concerning the payment of lunatic claims.

Mr. Means, from the Judiciary Committee, reported favorably on H. B. No. 877: A bill for the better enforcement of contracts and the enhancement of agriculture.

The following bills, resolutions and amendments, reported as correctly engrossed by Committee on Engrossed Bills, were transmitted to the Senate for concurrence:

H. B. No. 810: A bill to be entitled an act to repeal chapter 73, of the laws of 1873-'74;

Engrossed House amendment to S. B. No. 816;

H. B. No. 788: A bill to be entitled an act to authorize the commissioners of Washington county, to levy a special tax for the purpose of building a court house;

Engrossed House amendment to S. B. No. 776;

H. B. No. 774: A bill to be entitled an act to authorize the commissioners of Franklin county to levy a special tax;

Engrossed House amendment to S. b. No. 429;

H. B. No. 578: A bill to be entitled an act to amend chapter 64, of Battle's Revisal;

Engrossed House amendment to S. B. No. 660;

H. B. No. 783: A bill to be entitled an act to incorporate the Snow Hill Branch Railroad Company;

H. B. No. 836: A bill to amend chapter 137, laws of 1873-'74;

H. B. No. 826: A bill to citizenize certain Indians belonging to the eastern band of Cherokees, in North Carolina;

H. B. No. 869: A bill to ascertain the indebtedness of the different counties, cities and towns in the State, and prescribe a statute of limitations;

H. B. No. 866: A bill to repeal section 6, of an act entitled an act to empower the commissioners of the town of Wilmington to establish streets in said town, and for other purposes, &c., &c.;

H. B. No. 818: A bill to authorize the board of commissioners of Cumberland county to refund their debt;

H. B. No. 764: A bill to incorporate the Dan River Navigation Company.

The following bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the Senate:

An act to appoint trustees for "Pleasant Retreat Academy, Lincolnton, N. C."

An act to authorize the county commissioners of Hyde county to levy a special tax;

An act to amend section 53, chapter 17, sub-division 4, of Battle's Revisal;

An act for the relief of Mike Woods, of Wayne county;

An act to authorize the board of commissioners of Guilford and Rockingham counties to employ convict labor to drain certain lands in said counties;

An act for the relief of the sureties of the late sheriff of Halifax county;

An act to incorporate the town of Franklinsville, in the county of Randolph;

An act to incorporate the Norfolk, Roxboro and Greensboro Railroad Company;

An act to amend the charter of Beaver Creek Manufacturing Company;

An act to facilitate the trial of actions in the nature of quo warranto;

An act to authorize the commissioners of Hertford county to issue bonds for the purpose of funding and paying its debt;

An act to amend the charter of the North Carolina Railroad Company;

An act to provide for the collection of taxes by the State on property, polls, &c., known as the Machinery Act;

An act for the protection of fisheries;

Joint resolution in relation to the Board of Public Charities;
An act to change the boundary line between Craven and
Pamlico counties;

An act to amend chapter 90, section 21, laws of 1872-'73, as brought forward in Battle's Revisal, chapter 68, section 17;

An act to amend an act entitled an act to incorporate the town of Rocky Mount, in the county of Edgecombe;

An act to protect the fishing interest in Neuse river and Contentnea creek;

Resolution in relation to the Chesapeake and Albemarle Canal Company;

Joint resolution of inquiry in reference to deposits made by the State Treasurer;

Resolution concerning the out-house of the Capitol;

An act to incorporate the town of Youngsville, in the county of Franklin;

Resolution in favor of Sarah E. Wilder, executrix;

An act to allow Catawba Springs township, in Lincoln county, an additional justice of the peace;

An act in regard to compromises;

An act to incorporate the Carolina Plumbago Company;

An act to provide for additional terms of the Superior Courts of Northampton and Halifax counties;

An act to incorporate the town of Albemarle, in the county of Stanly;

An act concerning banking institutions in the State;

An act to amend the charter of the city of Wilmington;

An act to authorize the sale of a street and alley in the town of Shelby.

### INTRODUCTION OF RESOLUTIONS.

By Mr. Gash: A resolution in regard to the cloth in the hands of the Keeper of the Capitol. Placed on the calendar.

By Mr. Gudger: A resolution in favor of certain officers of the General Assembly. Placed on the calendar.

By Mr. Pinnix: A resolution concerning stationery. Placed on the calendar.

By Mr. Boyd: A resolution in regard to A. S. Merrimon &c. Placed on the calendar.

#### INTRODUCTION OF BILLS.

The following bills were introduced and placed on the calendar:

By Mr. Munden: A bill to change the line between Mt. Herman and Newland townships, Pasquotank county.

By Mr. Moore: A bill to incorporate the Dry Pond and New Town Bucket Company, No. 3, Wilmington. By Mr. Tate: A bill to amend and re-enact an act ratified the 22d day of February, 1861.

By Mr. Walker, of Richmond: A bill to amend section 77,

chapter 33, Battle's Revisal.

By Mr. Newell: A bill to protect fishing in the Cape Fear river. Referred to the Committee on Propositions and Grievances.

By Mr. Dortch: A bill to extend the corporate limits of the town of Goldsboro. Referred to the Committee on Counties, Cities, &c.

The following were referred to the Judiciary Committee:

By Mr. Erwin: A bill to amend chapter 41, section 9, Revised Code, as brought forward in Battle's Revisal, chapter 40, section 4.

By Mr. Griffin: A bill to punish certain violations of the Sabbath day.

The following were referred to the Committee on Corporations:

By Mr. Gudger: A bill to incorporate the North Carolina Printing and Publishing Company.

By Mr. Dortch: A bill to incorporate the Railway Operatives' Mutual Insurance Company.

By Mr. Richardson: A bill to incorporate the American Type Setting Machine Company.

Mr. Mendenhall was announced as being delayed in his return to his seat by railroad obstructions.

A message was received from the Senate, transmitting the following, and asking concurrence therein:

S. B. No. 728: A bill to protect the right of trial by jury;

S. B. No. 703: A bill to facilitate the construction of telegraph lines;

S. B. No. 829: A bill to authorize the hire of convict labor in or outside of the Penitentiary, and to regulate the same.

They were read the first time, and disposed of, as follows:

S. B. No. 829, was referred to the Committee on Penal Institutions;

S. B. No. 728, to the Judiciary Committee;

S. B. No. 703, to the Committee on Corporations.

#### CALENDAR.

S. B. No. 448, H. B. No. 615: A bill to encourage the manufacture of domestic wines in this State, was taken up.

The committee amendments were adopted, and the bill passed its several readings, and was ordered to be sent to the Senate for concurrence in the House amendments.

S. B. No. 770, H. B. No. 830: A bill to authorize the commissioners of Northampton county to levy a special tax, was taken up, passed its third reading by the following vote, and was ordered to be enrolled for ratification:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Barnhardt of Caldwell, Bernheardt of Rowan, Barrett, Bennett, Bettis, Bizzell, Brewington, Bryan, Bryson, Carson, Davis of Haywood, Davis of Jackson, Dorteh, Dula, Eatman, Elliott, Erwin, Etheridge, Fields, Finger, Freeman, Gaither, Garrison, Gash, Glenn, Good, Griffin, Gudger, Harrison, Haymore, Hieks, Hill, Holt, Hooker, Hughes, Hurley, Isler, Jessup, Johnston, Jones, Kendall, King, Latta, Lloyd, Martin, McCalop, McCubbins, McRae, Means, Mebane, Mendenhall, Mitchell, Mizell, Mock, Moseley, Munden, Newell, Norment, Page, Parker, Parrott, Patton, Pinnix, Presson, Proffitt, Reid, Richardson, Shackelford, Sharpe, Smith of Anson, Smith of Hyde, Spears, Stephenson, Stowe, Tate, Thompson of Lincoln, Walden, Walker of Richmond, Walker of Tyrrell, Ward, Wells, Wheeler, Whisnant, White, Whitley, Wiley, Wood, Woodhouse and Young—90.

The following gentlemen voted in the negative:

Messrs. Bunn and Crews-2.

H. B. No. 841: A bill to authorize the commissioners of Madison county to compromise their public debt, was taken up, and passed its third reading by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Atwater, Barnhardt of Caldwell, Bernheardt of R., Barrett, Bennett, Bettis, Bizzell, Bryson, Bunn, Candler, Carson, Davis of Haywood, Davis of Jackson, Dortch, Dula, £atman, Elliott, Erwin, Etheridge, Fields, Freeman, Gaither, Garrison, Gash, Glenn, Godwin, Good, Green, Griffin, Gudger, Harrison, Haymore, Hicks, Hill, Holt, Hooker, Hughes, Hurley, Isler, Jessup, Jones, Kendall, King, Latta, Lloyd, Martin, McCalop, McCubbins, McIver, McNeill, McRae, Means, Mebane, Mendenhall, Mitchell, Mizell, Mock, Moseley, Mullen, Munden, Newell, Norment, Oaksmith, Page, Parker, Parrott, Patton, Pinnix, Presson, Proffitt, Reid, Richardson, Shackelford, Sharpe, Smith of Anson, Smith of Hyde, Spears, Staples, Stephenson, Stowe, Tate, Thompson of Lincoln, Walker of Richmond, Walker of Tyrrell, Ward, Wells Whisnant, White, Whitley, Wiley, Wood and Young—93.

Negative none.

S. B. No. 471, H. B. No. 573: A bill to incorporate the Wilmington, Raleigh and Danville Railroad, was taken up.

The committee amendments were adopted, and the bill passed its second reading.

Under a suspension of the rules, the bill came up on its third reading.

Mr. Oaksmith moved to lay the bill on the table.

Mr. Oaksmith demanded the yeas and nays on his motion, but the call was not sustained, and the motion to table was rejected.

The bill then passed its third reading.

A message was received from the Senate transmitting the following, and asking concurrence therein:

- S. B. No. 955: A bill to annex a portion of Johnston county to Wake county;
- S. B. No. 632: A bill to amend section 69, chapter 32, Battle's Revisal;
  - S. B. No. 491: A bill to amend chapter 60, laws 1873-'74.
- S. B. No. 947: A bill in regard to dead North Carolina soldiers in other States;

S. B. No. 802: A bill in relation to the registration of deeds and other papers in certain cases;

S. R. No. 716: A resolution petitioning Congress in favor of the Southern Methodist Publishing House;

Engrossed amendments to S. B. No. 789, H. B. No. 679: A bill to regulate the taking of fish in the waters of New river, Onslow county.

They were read the first time, and disposed of as follows:

- S. R. No. 716, was referred to the Committee on Propositions and Grievances;
  - S. B. No. 802, to the Committee on Salaries and Fees;
  - S. R. No. 947, placed on the calendar;

Senate Bills Nos. 632 and 491, were referred to the Judiciary Committee.

On motion, the Senate amendments to S. B. No. 789, H. B. No. 679, were concurred in.

- S. B. No. 905, H. B. No. 857: A bill to amend the charter of the town of King's Mountain, Cleaveland county, was taken up, passed its several readings, and was ordered to be enrolled for ratification.
- S. B. No. 747, H. B. No. —: A bill to change the time of holding Superior Courts in the third Judicial District, was taken up.

Mr. Strong offered a substitute which was adopted, and the bill passed its several readings, and was ordered to be sent to the Senate without engrossment.

#### SPECIAL ORDER.

S. B. No. 663: A bill to amend the general corporation law of the State, was taken up as the special order of the hour.

On motion of Mr. Oaksmith, the bill was re-committed to the Judiciary Committee.

The calendar was resumed:

H. B. No. 691: A bill in relation to the land scrip fund for

the establishment of colleges for the benefit of agriculture and mechanic arts, was taken up.

On the call of Mr. Mendenhall, the previous question was ordered.

The question recurred on the bill on its third reading.

On the call of Mr. Lloyd the yeas and nays were had, and the bill passed its third reading by the following vote and was ordered to be engrossed.

The following gentlemen voted in the affirmative:

Messrs. Atwater, Bennett, Bizzell, Bryan, Dortch, Erwin, Fields, Finger, Freeman, Gash, Gudger, Holt, Hooker, Isler, Jessup, Johnston, Latta, Martin, McCalop, McCubbins, McIver, McNeill, McRae, Means, Mebane, Mendenhall, Mitchell, Mock, Moseley, Mullen, Norment, Oaksmith, Page, Parrott, Patton, Pinnix, Presson, Reid, Smith of Anson, Smith of Hyde, Spears, Staples, Staton, Stephenson, Strong, Tate, Thompson of Lincoln, Walker of Richmond, Wells, Wheeler and Whitley—51.

The following gentlemen voted in the negative:

Messrs. Anderson, Barnett, Barnhardt of Caldwell, Bernheardt of Rowan, Barrett, Bettis, Boyd, Brewington, Bryson, Bunn, Candler, Carson, Carter, Crews, Davis of Haywood, Davis of Jackson, Eatman, Elliott, Etheridge, Foote, Gaither, Garrison, Glenn, Godwin, Good, Griffin, Harrison, Haymore, Hicks, Hill, Hughes, Jones, Kendall, Lloyd, Mizell, Newell, Parker, Richardson, Scott, Shackelford, Sharpe, Stowe, Walker of Tyrrell, Ward, Whisnant, White, Wiley, Wood, Woodhouse and Young—50.

Mr. McRae moved to reconsider the vote by which the bill passed its third reading, and to lay that motion on the table.

On the call of Mr. Boyd, the yeas and nays were had, and the motion to table prevailed by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Atwater, Bennett, Bizzell, Bryan, Carson, Dortch, Erwin, Etheridge, Fields, Finger, Foote, Freeman, Gaither, Green, Griffin, Gudger, Holt, Hooker, Isler, Jessup, Johnston

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Latta, Martin, McCalop, McCubbins, McIver, McNeill, McRae, Means, Mebane, Mendenhall, Mitchell, Mock, Moseley, Mullen, Norment, Oaksmith, Page, Patton, Pinnix, Presson, Reid, Shackelford, Smith of Anson, Smith of Hyde, Spears, Staples, Staton, Stephenson, Stowe, Strong, Tate, Thompson of Lincoln, Walker of Richmond, Walker of Tyrrell, Wells, Wheeler, Whitley and Wiley—59.

The following gentlemen voted in the negative:

Messrs. Barnett, Barnhardt of Caldwell, Bernheardt of Rowan, Bettis, Boyd, Brewington, Bryson, Bunn, Candler, Carter, Crews, Davis of Haywood, Davis of Jackson, Eatman, Elliott, Garrison, Glenn, Godwin, Gocd, Harrison, Hicks, Hill, Hughes, Hurley, Jones, Kendall, Lloyd, Mizell, Moore, Munden, Newell, Parker, Sharpe, Ward, Whisnant, White, Wood, Woodhouse and Young—39.

Mr. Staples was allowed to record his vote in the affirmative on the passage of the revenue bill on its third reading.

S. B. No. 860: A bill to appoint commissioners to investigate the affairs of the Western Division of the Western North Carolina Railroad Company, was taken up.

Mr. Boyd moved to amend by striking out the name of Jos. H. Merrimon and inserting that of Nereus Mendenhall. The amendment was adopted.

Mr. Gudger moved to amend by striking out the name of E.

J. Aston, and inserting that of R. S. Gage.

Mr. Reid moved to amend by striking out the name of E. J. Aston, and inserting that of Rufus Barringer.

Mr. Reid's amendment was put to a vote and rejected.

The question recurred on Mr. Gudger's amendment, and it was adopted.

Mr. Walker, of Tyrrell, moved to add the name of W. F. Martin. The amendment was rejected.

Mr. Lloyd moved to add the name of G. Z. French. The amendment was rejected.

On motion of Mr. Patton, the previous question was ordered.

The bill then passed its several readings, and was ordered to be engrossed.

A message was received from the Senate transmitting the following, and asking concurrence therein:

- S. B. No. 919: A bill to prohibit the sale of liquor within three miles of St. Francis and Grace churches, Woodville, Bertie county;
- S. B. No. 902: A bill to incorporate the town of Littleton, in the counties of Warren and Halifax;
- S. B. No. 719: A bill to amend an act to charter the Scotland Neck and Weldon Railroad and Steamboat Company;
  - S. B. No. 854: A bill to amend Battle's Revisal;
- S. B. No. 960: A bill to incorporate the town of Polkton, Anson county.

They were read the first time, and disposed of as follows:

- S. B. No. 919, was referred to the Committee on Propositions and Grievances;
  - S. B. No. 902, to the Committee on Counties, &c.;
  - S. B. No. 719, to the Committee on Internal Improvements;
- S. B. No. 854, to the Judiciary;
  - S. B. No. 960, was placed on the calendar.

By consent, Mr. Wheeler: A bill to authorize the North Western North Carolina Railroad to adapt its gauge to its only connecting railroad. Placed on the calendar.

By consent, Mr. Erwin: A bill to attach Transylvania county to the 11th Judicial District, and to change the times of holding courts in said county. Placed on the calendar.

Mr. Wood was granted a leave of absence until Saturday, on account of sickness; and to Mr. Moore until Friday, for the same reason.

On motion of Mr. Bettis, the House agreed that when it adjourn, it would adjourn to meet at half past 3 P. M.

On motion of Mr. Norment, the House reconsidered the vote by which the motion to meet at half past 3 P. M., was adopted.

The question recurred on the motion to meet at half past 3 P. M.

Mr. Gudger moved to adjourn. Lost.

Mr. Norment moved to amend the motion of Mr. Bettis by saying 7 o'clock this evening, which motion was adopted.

A message was received from the Senate transmitting the following, and asking concurrence therein:

S. B. No. 952: A bill to authorize the commissioners of Orange county to issue bonds, &c.;

Engrossed amendments to S. B. No. 446, H. B. No. 320: A bill to amend sections 42 and 44, chapter 199, laws of 1871-'72.

They were read the first time and disposed of, as follows:

S. B. No. 952 was referred to the Committee on Finance; The Senate amendments to S. B. No. 446, H. B. No. 320, were concurred in.

H. R. No. 131: A resolution in favor of Thomas J. Wilson and Louis Hilliard, was taken up.

Mr. Norment moved to lay it on the table, and called for the yeas and nays.

The call was sustained, and the motion to table was rejected by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Barnhardt of Caldwell, Bernheardt of Rowan, Bettis, Bizzell, Bryson, Candler, Crews, Davis of Haywood, Davis of Jackson, Dula, Eatman, Elliott, Erwin, Etheridge, Fields, Foote, Gaither, Garrison, Glenn, Green, Griffin, Haymore, Hicks, Hurley, Isler, Jessup, Kendall, King, Latta, McCubbins, McIver, McNeill, Moseley, Norment, Page, Presson, Proffitt, Richardson, Shackelford, Sharpe, Smith of Anson, Tate, Wells, Whitley and Young—46.

The following gentlemen voted in the negative:

Messrs. Atwater, Brewington, Bunn, Carter, Dortch, Finger, Freeman, Gash, Godwin, Good, Gudger, Harrison, Hill, Hooker, Hughes, Johnston, Jones, Lloyd, Martin, McCalop, Means, Mendenhall, Mitchell, Mizell, Mock, Moore, Mullen, Munden, Newell, Oaksmith, Parker, Patton, Pinnix, Reid,

Scott, Spears, Staples, Staton, Stephenson, Stowe, Strong, Thompson of Lincoln, Walden, Walker of Richmond, Walker of Tyrrell, Ward, Wheeler, Whisnant, White, Wiley, Wood and Woodhouse—53.

The question recurred on the passage of the resolution on its second reading.

Mr. Dula called for the yeas and nays.

The call was not sustained, and the resolution passed its second reading.

Mr. Staples moved to suspend the rules and put the resolution on its third reading.

The motion failed for the want of a two-thirds vote.

On motion, the House adjourned until this evening at 7 o'clock.

# EVENING SESSION.

WEDNESDAY, March 17th, 1875.

The House was called to order at 7:15 o'clock, Mr. Speaker Robinson in the chair.

On motion of Mr. Anderson, the roll was called, and the following gentlemen answered to their names:

Messrs. Anderson, Barnhardt of Caldwell, Bernheardt of Rowan, Erwin, Fields, Glenn, Green, Griffin, Hooker, Kendall, Latta, Martin, Means, Parrott, Pinnix, Tate, Whisnant, Wood and Woodhouse—19.

#### REPORTS OF COMMITTEES.

Mr. Tate, from the Committee on Finance, reported on S. B. No. 952: A bill to authorize the commissioners of Orange county to levy a special tax, with the recommendation that it do pass.

Mr. Richardson, from the Committee on Corporations, reported favorably on

S. B. No. 703: A bill to facilitate the construction of telegraph lines; and on

H. B. No. 896: A bill to incorporate the North Carolina Printing and Publishing Company.

Mr. Strong, from the Committee on the Judiciary, reported on

S. B. No. 862: A bill to amend chapter 137, laws of 1873-'74, and begged to be discharged from the further consideration thereof; and on

S. B. No. 855: A bill concerning proceedings in bastardy, recommending that the bill do not pass.

Mr. Staton, from the Committee on Counties, Cities, &c., reported on

H. B. No. 778: A bill to amend the line between the counties of Mitchell and Yancey, and begged to be discharged from its further consideration.

Mr. Green was allowed to record his vote in the affirmative in the vote by which the bill in relation to the land scrip fund passed its third reading this morning.

Mr. Means introduced a bill supplemental to an act, passed at this session of the General Assembly, to authorize the commissioners of Cabarrus county to sell their court house lot, &c., which was placed on the calendar.

Mr. Wood introduced a resolution of instruction, &c., which was placed on the calendar.

The calendar was taken up, and S. B. No. 693, H. B. No. 745: A bill concerning the sale of ardent spirits on the Island of Ocracoke, was put on its several readings.

The amendments of the committee were adopted, and the bill passed, and the amendments were engrossed and ordered to be sent to the Senate.

A message from the Senate was received transmitting

S. B. No. 974: A bill to provide additional arms for military schools.

The bill was read the first time and placed on the calendar. The calendar was resumed, and S. B. No. 514, H. B. No 669: A bill to prohibit the sale of spirituous liquors within one and a half miles of Poplar Spring church, in the county of Franklin, was put on its several readings.

The amendments of the committee were adopted.

The bill passed, and the amendments of the committee were ordered to be engrossed and sent to the Senate.

- S. B. No. 7: A bill to require the registration of deeds was taken up, and, on motion of Mr. McRae, was postponed and made special order for to-morrow at 11 o'clock.
- S. B. No. 974: A bill to provide additional arms for military schools, was taken up on its second reading and passed, and was put on its third reading, and failed for want of a quorum.

By consent, Mr. Pinnix introduced a bill to change the times of holding certain courts, which was referred to the Committee on the Judiciary.

- S. B. No. 32, H. B. No. 689: A bill to punish accessories before the fact in the crimes of murder, arson, burglary and rape, passed its several readings, and was ordered to be enrolled for ratification.
- H. B. No. 897: A bill to authorize the North Western North Carolina Railroad to adapt its gauge to its only connecting road, was taken up and passed its several readings, and was sent to the Senate without engrossment.
- H. B. No. 896: A bill to incorporate the North Carolina Printing and Publishing Company, passed its several readings, and was ordered to be sent for concurrence.
- H. B. No. 906: A bill in relation to the sale of the court house lot in the county of Cabarrus, was passed and ordered to be engrossed and sent to the Senate.
- S. B. No. 49, H. B. No. 249: A bill to require magistrates to give bond, was taken up on its third reading.

The substitute offered by Mr. Staples was read.

Session

Mr. Carson moved to lay the bill and substitute on the table, and on that motion demanded the yeas and nays.

The yeas and nays were had, and the House refused to table by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Barnhardt of Caldwell, Bernheardt of Rowan, Bettis, Boyd, Brewington, Bryson, Candler, Carson, Carter, Crews, Davis, of Jackson, Dula, Elliott, Fields, Foote, Gaither, Garrison, Glenn, Good, Green, Griffin, Harrison, Haymore, Hicks, Hill, Hughes, Jones, Kendall, Lloyd, McNeill, Mizell, Munden, Newell, Norment, Oaksmith, Parker, Proffitt, Reid, Scott, Sharpe, Smith of Hyde, Stowe, Thompson of Lincoln, Walden, Ward, Wheeler and Whisnant-47.

The following gentlemen voted in the negative:

Messrs. Anderson, Atwater, Barrett, Bizzell, Bryan, Davis of Haywood, Dortch, Eatman Erwin, Etheridge, Finger, Freeman, Gash, Gudger, Holt, Hooker, Hurley, Isler, Jessup, Johnston, King, Latta, Martin, McCalop, McCubbins, McIver, McRae, Means, Mebane, Mendenhall, Mitchell, Mock, Moseley, Mullen, Parrott, Patton, Pinnix, Presson, Richardson, Shackelford, Smith of Anson, Spears, Staples, Staton, Strong, Tate, Thompson of Beaufort, Walker, of Tyrrell, Wells, Whitley, Wiley, Wood, Woodhouse and Young-54.

And the question recurred on the substitute of Mr. Staples, and it was rejected by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Bryson, Candler, Davis of Haywood, Davis of Jackson, Fields, Garrison, Green, Hicks, King, McNeill, Pinnix, Scott, Sharpe, Smith of Hyde, Staples and Thompson of Lincoln-16.

The following gentlemen voted in the negative:

Messrs. Anderson, Atwater, Barnhardt of Caldwell, Bernheardt of Rowan, Barrett, Bettis, Bizzell, Brewington, Bryan, Carson, Crews, Dortch, Dula, Eatman, Erwin, Etheridge, Finger, Foote, Freeman, Gaither, Gash, Glenn, Good, Griffin, Gudger, Harrison, Haymore, Holt, Hooker, Hughes, Hurley,

Isler, Jessup, Johnston, Kendall, Latta, Martin, McCalop, McCubbins, McIver, McRae, Means, Mebane, Mendenhall, Mizell, Moseley, Mnllen, Newell, Norment, Oaksmith, Parker, Parrott, Patton, Proffitt, Reid, Richardson, Shackelford, Spears, Staton, Stowe, Tate, Thompson of Beaufort, Walden, Walker of Richmond, Walker of Tyrrell, Whisnant, Whitley, Wiley, Woodhouse and Young—70.

On the passage of the bill on its third reading,

Mr. Strong demanded the previous question, and it was ordered, and on its passage,

Mr. Dula demanded the yeas and nays.

The call was sustained, and the bill failed to pass by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Atwater, Barrett, Bizzell, Bryan, Dortch, Eatman, Erwin, Etheridge, Freeman, Gash, Holt, Hooker, Hurley, Isler, Jessup, Johnston, Martin, McCalop, McCubbins, McIver, McRae, Means, Mebane, Mitchell, Moseley, Mullen, Parrott, Patton, Presson, Richardson, Shackelford, Smith of Anson, Spears, Staton, Strong, Tate, Thompson of Beaufort, Walker of Richmond, Walker of Tyrrell, Wells, Whitley, Wiley, Woodhouse and Young—44.

The following gentlemen voted in the negative:

Messrs. Anderson, Barnhardt of Caldwell, Bernheardt of Rowan, Bettis, Boyd, Brewington, Bryson, Bunn, Candler, Carson, Carter, Crews, Davis of Haywood, Davis of Jackson, Dula, Elliott, Fields, Foote, Gaither, Garrison, Glenn, Good, Green, Griffin, Gudger, Harrison, Haymore, Hicks, Hill, Hughes, Jones, Kendall, King, Latta, Lloyd, McNeill, Mendenhall, Mizell, Mock, Munden, Newell, Norment, Oaksmith, Parker, Pinnix, Proffitt, Scott, Sharpe, Smith of Hyde, Staples, Stowe, Thompson of Lincoln, Walden, Ward, Wheeler, Whisnant and Wood—57.

A message was received fram the Senate transmitting

S. B. No. 649: A bill to alter the times of holding the Superior Courts in first and second Judicial Districts,

And informing the House that the Senate had refused to concur in the House amendments to S. B. No. 816, to authorize the commissioners of Washington county to levy a special tax for the purpose of building a court house.

S. B. No. 649, was read the first time, and was referred to the Committee on the Judiciary.

The House refused to recede from its amendments to S. B. No. 816, and appointed Messrs. Wiley, Means and Dula as the House branch of the committee of conference thereon.

The calendar was resumed, and the following bills were passed, and ordered to be enrolled for ratification:

- S. B. No. 703, H. B. No. 885: A bill to facilitate the construction of telegraph lines;
- S. B. No. 960, H. B. No. 960: A bill to incorporate the town of Polkton, in the county of Anson;
- S. B. No. 539, H. B. No. 651: A bill in relation to taxation in Burke and McDowell counties;
- S. B. No. 582, H. B. No. 538: A bill to amend chapter 137, laws of 1873-'74;
- S. B. No. 570, H. B. No. 652: A bill to incorporate Orion Lodge, No. 67, Independent Order of Odd Fellows, of Wilmington, N. C.
- H. B. No. 888: A bill to amend and re-enact an act ratified the 22d day of February, 1861, was put on its several readings and passed, and was ordered to be engrossed.
- S. B. No. 612, H. B. No. 645: A bill to incorporate the Robeson County Agricultural Society, was put on its second reading.

The amendments proposed by the committee were adopted, and the bill then passed its several readings, and the amendments were ordered to be engrossed and sent to the Senate for concurrence.

- S. B. No. 974, H. B. No. 905: A bill to provide additional arms for military schools, was put on its third reading and passed, and was ordered to be enrolled for ratification.
  - S. B. No. 613, H. B. No. 760: A bill to amend section 11,

chapter 53, Battle's Revisal, was put on its several readings and passed, and was ordered to be enrolled for ratification.

H. R. No. 216: A resolution in favor of J. F. Price, sheriff of Pasquotank, as amended by the Committee on Claims, passed its several readings, and was ordered to be engrossed and sent to the Senate.

A message was received from the Senate, transmitting

S. B. No. 818: A bill to establish a colored branch of the insane asylum at Wilmington. It was read the first time, and placed on the calendar.

On motion, the House adjourned till to-morrow at 10 o'clock.

# EIGHTY-SECOND DAY.

THURSDAY, March 18th, 1875.

The House was called to order at 10 A. M., Mr. Speaker Robinson in the chair.

The reading of the Journal of yesterday was dispensed with.

### REPORTS OF STANDING COMMITTEES.

Mr. Richardson, from the Committee on Corporations, reported favorably on

H. B. No. 894: A bill to incorporate the Railway Operatives' Mutual Insurance Company;

H. B. No. 890: A bill to incorporate the American Type Setting Machine Company.

Mr. Staton, from the Committee on Counties, Cities, &c., reported favorably on

S. B. No. 902, H. B. No. 902: A bill to incorporate the town of Littleton, in Halifax and Warren counties.

Mr. McRae, from the Committee on Internal Improvements, reported favorably on

S. B. No. 719, H. B. No. 901: A bill to amend an act to charter the Scotland Neck and Weldon Railroad and Steamboat Company.

Mr. Dortch, from the Committee on Penal Institutions, reported favorably, with amendment, on

S. B. No. 829, H. B. No. 887: A bill to authorize the hire of convict labor, in or outside of the State's Prison, and to regulate the same.

Mr. Carson, from the Committee on Agriculture, &c., reported on

H. B. No. 787: A bill to promote the agricultural interest of the State, and begged to be discharged from its further consideration.

Mr. Barnhardt, of Caldwell, from the Committee on Propositions and Grievances, reported favorably on

S. R. No. 716, H. R. No. 225: A resolution petitioning Congress in favor of the Methodist Publishing House.

S. B. No. 909, H. B. No. 900: A bill to prohibit the sale of liquor within three miles of St. Francis and Grace churches, Woodville, Bertie county.

Mr. Pinnix, from Judiciary Committee, reported favorably on S. B. No. 854, H. B. No. 898: A bill to amend Battle's Revisal;

H. B. No. 663: A bill to amend the general corporation law of the State, recommending a substitute therefor; and unfavorably on

S. B. No. 728, H. B. No. 886: A bill to protect the right of trial by jury; also on

S. B. No. 491, H. B. No. 892: A bill to amend chapter 60, laws of 1873-'74.

Mr. Mendenhall, from the Committee on the State Debt, reported on H. B. No. 810: A bill to restore the credit of the State and incorporate the Bank of North Carolina, recommending no definite action.

The following bills and amendments, reported as correctly engrossed by Committee on Engrossed Bills, were transmitted to the Senate for concurrence:

- H. B. No. 879: A bill concerning the maintainance of lunatics;
- H. B. No. 725: A bill in relation to the costs of State causes:
- H. B. No. 838: A bill to incorporate the Wilmington Fire Bucket Company, No. 1;
- H. B. No. 876: A bill to incorporate the Brooklyn Bucket Company, No. 2, of the city of Wilmington, N. C.;
- H. B. No. 858: A bill to allow a jury in Madison county, to lay off a road to Marshall, N. C.;
- H. B. No. 727: A bill to strike out section 343, chapter 17, Battle's Revisal;
- H. B. No. 781: A bill to punish the fraudulent use of brands;
- H. B. No. 819: A bill for the relief of E. P. Powers and S. T. Hawley, late tax collectors of the town of Fayetteville;
- H. B. No. 605: A bill to amend chapter 100, section 1, of the laws of 1873-'74;
- H. B. No. 724: A bill to extend the time for transferring causes;
- H. B. No. 804: A bill to prohibit the giving away or selling of spirituous liquors, at or within three miles of Shocco Chapel, in Warren county;
- H. B. No. 860: A bill to appoint commissioners to investigate the affairs of the Western Division of the Western North Carolina Railroad Company;
- H. B. No. 884: A bill to extend the corporate limits of Goldsboro;

Engrossed House amendments to S. R. No. 611: Resolution concerning the funeral expenses of the late Governor Caldwell.

The following bills and resolutions reported as correctly enrolled, by Committee on Enrolled Bills, were duly ratified and transmitted to the Senate: An act to incorporate the Yadkin River Bridge and Turn-pike Company;

An act to incorporate the Marion and Jefferson Turnpike Company;

An act to amend an act entitled an act to prevent live stock from running at large in Cabarrus and other counties, ratified February 2nd, 1875.

An act to regulate the taking of fish in the waters of New river, in the county of Onslow;

An act to lay out and construct a public road from Edwin D. Greer's store to Jefferson, in Ashe county;

An act to incorporate Balfour Lodge, Free and Accepted Masons, in the town of Ashboro, county of Randolph;

An act to obtain information concerning the State's interest in works of internal improvements;

An act providing for a fence law in the counties of Union and Anson;

An act to amend an act passed at the present session of the General Assembly to change the time of holding the Courts in the Third Judicial District;

An act to amend chapter 329, laws of 1850-'51;

An act to incorporate the Wilmington and Coast Turnpike Company;

An act to amend chapter 137, laws of 1873-'74;

Resolution in favor of Godfrey Keebler;

An act to authorize the mayor and commissioners of Elizabeth City, in the county of Pasquotank, to levy a special tax;

An act to authorize the commissioners of Franklin county to levy a special tax;

An act for the dissolution of the Roanoke Navigation Company;

An act to authorize the commissioners of Northampton county to levy a special tax;

An act for the better government of the town of Tarboro; An act to incorporate the vestry of Calvary church, at Wadesboro, N. C.; An act to preserve the public records of Burke county, and for other purposes;

An act to authorize the county commissioners of Macon county to levy a special tax;

An act to incorporate the Wilmington Ice Company;

An act to authorize the county commissioners of Pitt county to sell and make title to the county jail and land on which it is situated, and for other purposes;

An act to incorporate the town of Ore Knob, in Ashe county;

An act supplemental to the charter of the town of Statesville, Iredell county;

An act to divest the jurisdiction of the Superior Courts over misdemeanors in failing to list polls and property, and for other purposes;

An act to amend the charter of the town of King's Mountain, Cleaveland county.

### INTRODUCTION OF RESOLUTIONS.

By Mr. Erwin: A resolution directing the Clerk of the House to assort the calendar. Placed on the calendar.

#### INTRODUCTION OF BILLS.

By Mr. Mebane: A bill to incorporate the Historical Society of North Carolina. Placed on the calendar.

By Mr. Walker, of Richmond: A bill to punish persons who attempt to commit crimes and misdemeanors. Referred to the Judiciary Committee.

The calendar was taken up.

S. B. No. 51, H. B. No. 218: A bill to amend section 1, chapter 31, laws of 1873-74, was taken up, passed its several readings, and was ordered to be enrolled for ratification.

S. B. No. 75, H. B. No. 163: A bill to amend chapter 105, section 30, Battle's Revisal, was taken up, and, on motion, laid on the table.

- S. B. No. 96, H. B. No. 234: A bill to amend section 2, chapter 23, Battle's Revisal, entitled "Constables," was taken up, passed its several readings, and was ordered to be enrolled for ratification.
- S. B. No. 109, H. B. No. 236: A bill to better protect the reputation of innocent women, was taken up, and, on motion, laid on the table.
- S. B. No. 124, H. B. No. 164: A bill in favor of W. H. Sykes, sheriff of Bladen county, was taken up, and, on motion, laid on the table.
- H. B. No. 878: A bill to protect private stockholders and to authorize the consolidation of railroads, was taken up, passed its several readings, and was ordered to be engrossed.
- S. R. No. 611, H. R. No. 163: A resolution concerning the funeral expenses of the late Governor Caldwell, was taken up.

The amendments reported by the Finance Committee were adopted.

On the call of Mr. Gash, the previous question was ordered. The yeas and nays were called on the demand of Mr. Kendall, and the resolution passed its second reading by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Barnett, Barrett, Bizzell, Brewington, Bryan, Bunn, Candler, Carson, Carter, Cary, Crews, Davis of Jackson, Dortch, Eatman, Etheridge, Gash, Godwin, Good, Green, Hanner, Hill, Hooker, Hughes, Hurley, Jessup, Jones, King, Lloyd, McCalop, McIver, McNeill, McRae, Means, Mizell, Moore, Moring, Mullen, Munden, Newell, Norment, Oaksmith, Page, Parker, Patton, Proffitt, Reid, Scott, Smith of Anson, Smith of Hyde, Spears, Staton, Stephenson, Strong, Walden, Walker of Richmond, Ward, Whisnant, White and Wiley—59.

The following gentlemen voted in the negative:

Messrs. Anderson, Barnhardt of Caldwell, Bernheardt of Rowan, Bettis, Bryson, Davis of Haywood, Elliott, Erwin, Fields, Finger, Freeman, Gaither, Garrison, Glenn, Griffin, Gudger, Harrison, Haymore, Hicks, Holt, Isler, Johnston, Kendall, Latta, Martin, McCubbins, Mendenhall, Mitchell, Mock, Moseley, Pinnix, Presson, Richardson, Shackelford, Sharpe, Staples, Stowe, Thompson of Beaufort, Thompson of Lincoln, Walker of Tyrrell, Wells, Whitley, Woodhouse and Young—44.

Mr. Tate was excused from voting.

On motion of Mr. Green, the resolution was taken up on its third reading.

On the call of Mr. Gash, the previous question was ordered, and the resolution was put to a vote, and passed its third reading.

Mr. Strong moved to reconsider, and to lay that motion on the table.

The motion to table prevailed.

#### FIRST SPECIAL ORDER.

S. B. No. 7, H. B. No. 684: A bill to require the registration of deeds, was taken up as the first special order.

Mr. Scott moved to amend by providing that the bill should not apply to deeds which have been lost, mislaid or burned.

Mr. Moring offered the following amendment, in the nature of a substitute:

Strike out all after the enacting clause, and insert, "that the time for the registration of all deeds, conveyances and other paper writings, which by the law of this State are admitted to registration, shall be extended two years from the ratification of this act. *Provided*, That it shall not affect mortgages or deeds in trust."

Mr. Pinnix's amendment was adopted.

Mr. Scott's amendment was also adopted.

The question recurred on Mr. Moring's substitute, and it was rejected by the casting vote of the Speaker pro tem.

On motion of Mr. Moring, the vote by which his substitute was rejected, was reconsidered.

Pending further consideration of the matter under debate,

the second special order,

# THE CONVENTION BILL,

S. B. No. 868, H. B. No. 853, was announced.

Mr. Wheeler offered the following amendment, to come in after the words "General Assembly":

"Nor shall the said Convention amend the Constitution by requiring the payment of taxes as a qualification for voters; nor shall the said Convention increase the number of Supreme or Superior Court Judges; nor shall the said Convention amend or abolish any of the amendments to the Constitution ratified February 24th, 1873; nor shall the said Convention repeal or abolish Article IX, Sections 2 and 3, of the existing Constitution; nor shall the said Convention provide for any capitation tax; nor shall the said Convention repeal or modify section 4, article 1, of the present Constitution; nor shall the said Convention authorize or propose to authorize branding, whipping or cropping, as a punishment for crime."

The yeas and nays were called, and the amendment was rejected by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Barnett, Boyd, Brewington, Bunn, Candler, Carson, Carter, Cary, Crews, Dula, Elliott, Garrison, Glenn, Godwin, Good, Hill, Hughes, Jones, Lloyd, Moore, Munden, Newell, Norment, Parker, Scott, Walden, Ward, Wheeler, Whisnant, White and Wood—31.

The following gentlemen voted in the negative:

Messrs. Anderson, Atwater, Barnhardt of Caldwell, Bernheardt of Rowan, Barrett, Bennett, Bettis, Bizzell, Bryan, Bryson, Davis of Haywood, Davis of Jackson, Dortch, Eat-

man, Erwin, Etheridge, Fields, Finger, Freeman, Gaither, Gash, Green, Griffin, Gudger, Hanner, Harrison, Haymore, Holt, Hooker, Hurley, Isler, Jessup, Johnston, Kendall, King, Latta, Martin, McCalop, McCubbins, McIver, McNeill, McRae, Means, Mebane, Mendenhall, Mitchell, Mizell, Mock, Moring, Moseley, Mullen, Oaksmith, Page, Parrott, Patton, Pinnix, Presson, Proffitt, Reid, Richardson, Shackelford, Sharpe, Smith of Anson, Smith of Hyde, Spears, Staples, Staton, Stephenson, Stowe, Strong, Tate, Thompson of Beaufort, Thompson of Lincoln, Walker of Richmond, Walker of Tyrrell, Wells, Whitley, Wiley, Woodhouse and Young—80.

Mr. Wheeler moved to amend section 4, lines 39 and 40, by striking out all after the word "laws" in line 39, down to and including the word "laws" in line 40.

The yeas and nays were called, and the amendment was rejected by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Barnett, Boyd, Brewington, Bunn, Candler, Carson, Carter, Cary, Crews, Dula, Elliott, Garrison, Godwin, Good, Hill, Hughes, Jones, Lloyd, Moore, Munden, Newell, Norment, Parker, Scott, Ward, Wheeler, Whisnant, White and Wood—29.

The following gentlemen voted in the negative:

Messrs. Anderson, Atwater, Barnhardt of Caldwell, Bernheardt of Rowan, Barrett, Bennett, Bettis, Bizzell, Bryan, Bryson, Davis of Haywood, Davis of Jackson, Dortch, Eatman, Erwin, Etheridge, Fields, Finger, Foote, Freeman, Gaither, Gash, Glenn, Green, Griffin, Gudger, Hanner, Harrison, Haymore, Hicks, Holt, Hooker, Isler, Jessup, Johnston, Kendall, King, Latta, Martin, McCalop, McCubbins, McIver, McNeill, McRae, Means, Mebane, Mendenhall, Mitchell, Mizell, Mock, Moring, Moseley, Mullen, Oaksmith, Page, Parrott, Patton, Pinnix, Presson, Proffitt, Reid, Richardson, Shackelford, Sharpe, Smith of Anson, Smith of Hyde, Spears, Staples, Staton, Stephenson, Stowe, Strong, Tate, Thompson of Beaufort, Thompson of Lincoln, Walden, Walker of Richmond, Walker

of Tyrrell, Wells, Whitley, Wiley, Woodhouse and Young -83.

Mr. Wheeler moved to amend section 4, lines 54 and 55, by striking out all after the word "restriction" in said section.

The yeas and nays were called, and the amendment was rejected by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Barnett, Boyd, Brewington, Bunn, Candler, Carter, Cary, Crews, Dula, Garrison, Godwin, Good, Griffin, Hill, Hughes, Jones, Lloyd, Moore, Munden, Newell, Norment, Parker, Scott, Walden, Ward, Wheeler, Whisnant and White—28.

The following gentlemen voted in the negative:

Messrs. Anderson, Atwater, Bernheardt of Rowan, Barrett, Bennett, Bizzell, Bryan, Bryson, Carson, Davis of Haywood, Davis of Jackson, Dortch, Eatman, Erwin, Etheridge, Fields, Finger, Foote, Freeman, Gaither, Gash, Glenn, Green, Gudger, Hanner, Harrison, Haymore, Holt, Hurley, Isler, Jessup, Johnston, Kendall, King, Latta, Martin, McCalop, McCubbins, McIver, McNeill, McRae, Means, Mebane, Mendenhall, Mitchell, Mizell, Mock, Moring, Moseley, Mullen, Oaksmith, Page, Parrott, Patton, Pinnix, Presson, Proffitt, Reid, Shackelford, Sharep, Smith of Anson, Smith of Hyde, Spears, Staples, Staton, Stephenson, Stowe, Strong, Tate, Thompson of Beaufort, Thompson of Lincoln, Walker of Richmond, Walker of Tyrrell, Wells, Whitley, Wiley, Wood, Woodhouse and Young—79.

Mr. Candler offered the following amendments:

"Section 21, Bill of Rights, shall not be interferred with, which declares the privileges of the writ of habeas corpus shall not be suspended."

"That section 5, Article 5, in the Constitution, shall not be interferred with."

"Article 13, sections 1 and 2, shall not be interferred with."

"That section 4, Article 1, in Bill of Rights, shall not be interferred with, which declares that the State shall ever re-

main a member of the American Union; that the people thereof are part of the American Union; that there is no right on the part of the State to secede, and that all attempts from whatsoever source or upon whatever pretext to dissolve said Union, or to sever said nation, ought to be resisted with the whole power of the State."

"Nor to interfer with section 10, Article 1, Bill of Rights—that all elections ought to be free."

"Strike out all after the word 'established,' in line 35, section —, down to the word 'nor,' in line 44, and insert 'shall not interfere with, or vacate any office or term of office, and that all the officers of State and Counties shall be elected by the people, as now provided for in the Constitution."

The amendments were put to a vote as a whole, and rejected by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Barnett, Boyd, Brewington, Bunn, Candler, Carson, Carter, Cary, Crews, Dula, Elliott, Garrison, Glenn, Godwin, Good, Hicks, Hill, Hughes, Jones, Lloyd, Moore, Newell, Norment, Parker, Scott, Walden, Ward, Wheeler, Whisnant, White and Wood—30.

The following gentlemen voted in the negative:

Messrs. Anderson, Atwater, Barnhardt of Caldwell, Bernheardt of Rowan, Barrett, Bennett, Bettis, Bizzell, Bryan, Bryson, Davis of Haywood, Davis of Jackson, Dortch, Eatman, Erwin, Etheridge, Fields, Finger, Foote, Freeman, Gaither, Gash, Green, Griffin, Gudger, Hanner, Harrison, Haymore, Holt, Hooker, Hurley, Isler, Jessup, Johnston, Kendall, King, Latta, Martin, McCalop, McCubbins, McIver, McNeill, McRae, Means, Mebane, Mendenhall, Mitchell, Mizell, Mock, Moring, Moseley, Mullen, Oaksmith, Page, Parrott, Patton, Pinnix, Presson, Proffitt, Reid, Richardson, Shackelford, Sharpe, Smith of Anson, Smith of Hyde, Spears, Staples, Staton, Stephenson, Stowe, Strong, Tate, Thompson of Beau-

fort, Thompson of Lincoln, Wells, Whitley, Wiley, Woodhouse and Young—81.

Mr. Dula moved to add the following as an additional section, to come in between sections 1 and 2:

"That at the time and places of holding the election for delegates, as is hereinafter prescribed, the question of convention or no convention, shall be submitted to the qualified voters of the State, and if a majority of the votes so cast shall be against a convention, then the delegates elected shall not convene."

The amendment was rejected by the following vote: The following gentlemen voted in the affirmative:

Messrs. Boyd, Brewington, Bunn, Candler, Carson, Carter, Cary, Crews, Dula, Elliott, Foote, Garrison, Glean, Godwin, Good, Harrison, Hill, Hughes, Hurley, Jones, King, Lloyd, Mizell, Moore, Munden, Newell, Parker, Scott, Walden, Ward, Wheeler, Whisnant, White and Wood—34.

The following gentlemen voted in the negative:

Messrs. Anderson, Atwater, Barnhardt of Caldwell, Bernheardt of Rowan, Barrett, Bennett, Bettis, Bizzell, Bryan, Bryson, Davis of Haywood, Davis of Jackson, Dortch, Eatman, Erwin, Etheridge, Fields, Finger, Freeman, Gaither, Gash, Green, Griffin, Gudger, Hanner, Haymore, Hicks, Holt, Hooker, Isler, Jessup, Johnston, Kendall, Latta, Martin, McCalop, McCubbins, McIver, McNeill, McRae, Means, Mebane, Mendenhall, Mitchell, Mock, Moring, Moseley, Mullen, Oaksmith, Page, Parrott, Patton, Pinnix, Presson, Proffitt, Reid, Richardson, Shackelford, Sharpe, Smith of Anson, Smith of Hyde, Spears, Staples, Staton, Stephenson, Stowe, Strong, Tate, Thompson of Beaufort, Thompson of Lincoln, Walker of Richmond, Walker of Tyrrell, Wells, Whitley, Wiley, Woodhouse and Young—77.

Mr. Hughes offered the following amendment:

Amend section 4, lines 49, 50 and 51, so as to read: "nor shall they require or propose any educational or property, or any other qualification for office or voting not now required by the Constitution of North Carolina."

On the adoption of his amendment, Mr. Hughes called for yeas and nays.

The call was not sustained, and the amendment was put to a vote and rejected.

On the call of Mr. Moring, the previous question was ordered, and the bill was put on its second reading, and it passed by the following vote:

The following gentlemen voted in the affirmative:

Mr. Speaker, Messrs. Anderson, Atwater, Barnhardt of Caldwell, Bernheardt of Rowan, Barrett, Bennett, Bettis, Bizzell, Bryan, Bryson, Candler, Davis of Haywood, Davis of Jackson, Dortch, Eatman, Erwin, Etheridge, Fields, Finger, Foote, Freeman, Gaither, Gash, Glenn, Green, Griffin, Gudger, Hanner, Haymore, Hicks, Holt, Hooker, Hurley, Isler, Jessup, Johnston, Kendall, King, Latta, Martin, McCalop, McCubbins, McIver, McRae, Means, Mebane, Mitchell, Mock, Moring, Moseley, Mullen, Oaksmith, Page, Parrott, Patton, Pinnix, Presson, Proffitt, Reid, Richardson, Shackelford, Sharpe, Smith of Anson, Smith of Hyde, Spears, Staples, Staton, Stephenson, Stowe, Strong, Tate, Thompson of Beaufort, Thompson of Lincoln, Walker of Richmond, Walker of Tyrrell, Wells, Whitley, Wiley, Woodhouse and Young—81.

The following gentlemen voted in the negative:

Messrs. Barnett, Boyd, Brewington, Bunn, Carson, Carter, Cary, Crews, Dula, Elliott, Garrison, Godwin, Good, Harrison, Hill, Hughes, Jones, Lloyd, McNeill, Mendenhall, Mizell, Moore, Mundeu, Newell, Norment, Parker, Scott, Walden, Ward, Wheeler, Whisnant and White—32.

On motion of Mr. Moring, the rules were suspended, and the bill was put on its third reading.

On the call of Mr. Moring, the previous question was ordered.

The question recurred on the bill on its third reading, and it passed by the following vote:

The following gentlemen voted in the affirmative:

Mr. Speaker, Messrs. Anderson, Atwater, Barnhardt of Caldwell, Bernheardt of Rowan, Barrett, Bennett, Bettis, Bizzell, Bryan, Bryson, Candler, Davis of Haywood, Davis of Jackson, Dortch, Eatman, Erwin, Etheridge, Fields, Finger, Foote, Freeman, Gaither, Gash, Glenn, Green, Griffin, Gudger, Hanner, Haymore, Hicks, Holt, Hooker, Hurley, Isler, Jessup, Johnston, Kendall, King, Latta, Martin, McCalop, McCubbins, McIver, McRae, Means, Mebane, Mitchell, Mock, Moring, Moseley, Mullen, Oaksmith, Page, Parrott, Patton, Pinnix, Presson, Proffitt, Reid, Richardson, Shackelford, Sharpe, Smith of Anson, Smith of Hyde, Spears, Staples, Staton, Stephenson, Stowe, Strong, Tate, Thompson of Beaufort, Thompson of Lincoln, Walker of Richmond, Walker of Tyrrell, Wells, Whitley, Wiley, Woodhouse and Young—81.

The following gentlemen voted in the negative:

Messrs. Barnett, Boyd, Brewington, Bunn, Carson, Carter, Cary, Crews, Dula, Elliott, Garrison, Godwin, Good, Harrison, Hill, Hughes, Jones, Lloyd, McNeill, Mendenhall, Mizell, Moore, Munden, Newell, Forment, Parker, Scott, Trivett, Ward, Wheeler, Whisnant, White and Wood—33.

Mr. Means moved to reconsider the vote by which the bill passed, and to lay that motion on the table.

The motion to table prevailed.

On motion, the House adjourned until to-morrow at 10 A. M.

# EIGHTY-THIRD DAY.

FRIDAY, March 19th, 1875.

The House was called to order at 10 A. M., Mr. Speaker Robinson in the chair.

Prayer by the Rev. Mr. Mangum, of this city.
The Journal of yesterday was read and approved.

# INTRODUCTION OF PETITIONS, &C.

By Mr. Richardson: A petition from citizens of Columbus county, in regard to the taxes of that county.

By Mr. Patton: A memorial from Hon. A. S. Merrimon, in regard to the resolution of Mr. Boyd.

Both of the above were placed on the calendar.

#### REPORTS OF STANDING COMMITTEES.

Mr. Pinnix, from the Judiciary Committee, reported favorably on H. B. No. 907: A bill to change the time of holding certain courts.

Mr. Staton, from the Committee on Counties, Cities, &c., reported on S. B. No. 955, H. B. No. 893: A bill to annex a portion of Johnston county to the county of Wake, begging to be discharged from its further consideration.

The following bills and resolutions, reported as correctly enrolled by the Committee on Enrolled Bills, were duly ratified and transmitted to the Senate:

An act to incorporate the Snow Hill Branch Railroad Company;

An act concerning the sale of ardent spirits on the island of Ocracoke;

An act to incorporate the Wilmington, Raleigh and Danville Railroad;

An act to allow the trustees of Bingham township, in Orange county, to collect arrears of taxes;

An act to authorize the commissioners of Pitt county to levy a special tax;

An act to appoint public guardians;

An act to call a convention of the people of North Carolina;

Resolution in favor of K. Haynes, sheriff of Columbus county;

An act to incorporate Orion Lodge, No. 67, Independent Order of Odd Fellows, Wilmington, N. C.;

An act to amend section 11, chapter 53, of Battle's Revisal, entitled Guardians and Wards;

An act concerning evidence in cases of fraud where the State is concerned;

An act to incorporate the Shaw University;

An act to amend chapter 137, public laws of 1873-'74;

An act to amend sections 42, 43 and 44, chapter 199, laws of 1871-'72;

An act to punish accessories before the fact in the crimes of murder, arson, burglary and rape;

An act to authorize the Northwestern North Carolina Railroad to adapt its gauge to its only connecting railroad;

Mr. Shackelford, from the Committee on Engrossed Bills, reported the following as correctly engrossed, and they were ordered to be sent to the Senate for concurrence:

H. B. No. 884: A bill to extend the corporate limits of the town of Goldsboro, and for other purposes;

H. B. No. 727: A bill to strike out section 343, chapter 17, Battle's Revisal;

H. B. No. 781: A bill to punish the fraudulent use of brands;

H. B. No. 605: A bill to amend chapter 100, section 1, of the laws of 1873-'74;

H. B. No. 879: A bill concerning the maintainance of lunatics;

H. B. No. 724: A bill to extend the time for transferring causes;

H. B. No. 860: A bill to appoint commissioners to investigate the affairs of the Western North Carolina Railroad Company;

H. B. No. 819: A bill for the relief of E. P. Powers and S. T. Hawley, late tax collectors of the town of Fayetteville;

H. B. No. 838: A bill to incorporate the Wilmington Fire Bucket Company, No. 1;

H. B. No. 804: A bill to prohibit the giving away or selling of spirituous liquors within three miles of Shocco chapel, in Warren county;

H. B. No. 876: A bill to incorporate Brooklyn Bucket Company, No. 2, of the city of Wilmington, N. C.;

H. B. No. 858: A bill to allow a jury in Madison county to lay off a road to Marshall, N. C.; and

H. R. No. 216: A resolution in favor of J. F. Price, sheriff of Pasquotank county.

Mr. Reid, from the Committee on Claims, reported unfavorably on

H. R. No. 149: A resolution to pay the widow of the late Governor Caldwell a quarter's salary.

Mr. Walker, of Richmond, from the Judiciary Committee, reported favorably on

H. B. No. 912: A bill to punish persons who attempt to commit crimes and misdemeanors.

Mr. Barnhardt, of Caldwell, from the Committee on Propositions and Grievances, reported favorably on

H. B. No. 750: A bill to prevent the sale of liquor within two miles of Damascus church, Orange county; and favorably, with amendment, on

H. B. No. 883: A bill to protect fishing in Cape Fear river.

#### INTRODUCTION OF RESOLUTIONS.

By Mr. Munden: A resolution asking Congress to appropriate \$10,000 to clean Little river, running between the counties of Pasquotank and Perquimans. Referred to the Committee on Propositions and Grievances.

By Mr. Gudger: A resolution in regard to leaves of absence. Placed on the calendar.

By Mr. Pinnix, (by request): A resolution in favor of J. H. Moore. Placed on the calendar.

By Mr. Tate: A resolution concerning the Public Treasurer. Placed on the calendar.

By Mr. Wheeler: A resolution in favor of the clerks of the General Assembly. Placed on the calendar.

#### INTRODUCTION OF BILLS.

By Mr. McRae: A bill to incorporate the Wilberforce School. Placed on the calendar.

By Mr. Pinnix: A bill to prevent fraud in the sale of public property. Referred to the Judiciary Committee.

By Mr. Smith, of Anson: A bill to amend the act for the government of the town of Wadesboro'. Placed on the calendar.

By Mr. Richardson: A bill concerning county taxes in the county of Columbus. Referred to the Committee on Finance.

Messrs. Mendenhall and Norment rose to questions of privilege in regard to certain statements in the "Daily News."

Messrs. Hanner and Moring recorded their votes in the affirmative on the land scrip fund bill.

Mr. White recorded his vote in the negative on the bill requiring magistrates to give bond.

Mr. Mitchell was granted leave of absence until Monday, on account of sickness in his family.

Mr. Shackelford was granted leave of absence for the same time, on account of sickness.

Mr. Moore recorded his vote in the negative on the bill requiring magistrates to give bond.

Mr. Norment was granted leave of absence from and after to-morrow on account of sickness; also Messrs. Good and Holt for the same reason.

Mr. King recorded his vote in the negative on the land scrip fund bill.

A message was received from the Senate transmitting

S. R. No. 989: A resolution in regard to the Superintendent of the Insane Asylum, and asking concurrence therein. The resolution was read the first time, and placed on the calendar.

A second message was received from the Senate, transmitting the following, and asking concurrence therein:

S. B. No. 926: A bill to require certain statements of public receipts and disbursements of public moneys;

Senate amendments to S. B. No. 887, H. B. No. 336: A bill concerning burnt and destroyed records of Watauga county;

S. B. No. 998: A bill supplemental to an act to raise revenue, &c.;

S. B. No. 999: A bill concerning the public printing.

They were read the first time, and disposed of, as follows: Senate Bills, Nos. 999, 921 and 998, were placed on the calendar.

Senate amendments to S. B. No. 887, H. B. No. 336: A bill concerning burnt or destroyed records of Watauga county, were concurred in.

Mr. Tate, from the Finance Committee, reported favorably on H. B. No. 914: A bill concerning county taxes in the county of Columbus.

A message was received from the Senate transmitting the following, and asking concurrence therein:

- S. B. No. 956: A bill to incorporate the Sampson County Agricultural Society;
- S. B. No. 763: A bill to amend section 9, chapter 65, Battle's Revisal;
- S. B. No. 823: A bill to change the time of holding elections in this State in the year 1876;

Engrossed Senate amendments to S. B. No. 927, H. B. No. 828: A bill to prevent the sale of liquor in certain localities;

Engrossed Senate amendments to S. R. No. 971, H. R. No. 209: A resolution in favor of James Lumley and James Farriss. They were read the first time, and disposed of as follows:

Senate Bills Nos. 956 and 763, were placed on the calendar; S. B. No. 823, was referred to the Judiciary Committee;

The Senate amendments to S. R. No. 971, H. R. No. 209, were concurred in; and

The amendments to S. B. No. 927, H. B. No. 828, were concurred in, with the exception of the one in reference to the Littleton and Warrenton warehouse.

#### SPECIAL ORDER.

S. B. No. 688, H. B. No. 840: The bill to provide another asylum for the insane of North Carolina, was taken up as the special order of the hour.

On motion of Mr. Tate, the vote by which the previous amendments were adopted was reconsidered, and the question recurring upon their adoption, they were rejected.

Mr. Patton moved to amend by providing that if the committee appointed by the Governor to locate the asylum in the west, should select either Asheville, Hickory or Statesville in preference to Morganton, that the Governor shall appoint three commissioners to carry out the provisions of this act.

The amendment was rejected.

Mr. Strong offered a substitute for the bill, adding to the present asylum at this place.

The substitute was rejected, and the bill passed its several readings, and was ordered to be enrolled for ratification.

Mr. Strong, by consent, introduced a resolution for the protection of the battery of artillery belonging to the State, which was placed on the calendar.

A message was received from the Senate transmitting the following, and asking concurrence therein:

S. B. No. 1000: A bill to protect the State Railway policy and gauge. The bill was read the first time, and placed on the calendar.

H. B. No. 778: A bill to amend the line between Yancey

and Mitchell county, was taken up, and, on motion, laid on the table.

S. B. No. 649, H. B. No. 908: A bill to alter the times of holding the Superior Courts in the first and second judicial districts, was taken up, passed its several readings, and was ordered to enrolled for ratification.

H. B. No. 914: A bill concerning county taxes in the county of Columbus, was taken up, passed its several readings, and was ordered to be sent to the Senate without engrossment.

S. B. No. 881, H. B. No. 910: A bill to establish a colored asylum at Wilmington, was taken up.

Mr. Lloyd moved to strike out "colored" wherever it occurs.

On the call of Mr. Staples, the yeas and nays were had, and the amendment failed to be adopted by the following vote:

The following gentlemen voted in the affimative:

Messrs. Bunn, Hooker, Lloyd and Moore-4.

The following gentlemen voted in the negative:

Messrs. Anderson, Atwater, Barnhardt of Caldwell, Bernheardt of Rowan, Barrett, Bennett, Bettis, Bizzell, Boyd, Browington, Bryan, Bryson, Candler, Carter, Cary, Crews, Davis of Haywood, Davis of Jackson, Dortch, Eatman, Elliott. Erwin, Etheridge, Fields, Finger, Freeman, Garrison, Gash, Glenn, Good, Green, Griffin, Gudger, Hanner, Harrison, Haymore, Hicks, Holt, Hurley, Isler, Jessup, Johnston, Jones, Kendall, Latta, Martin, McCalop, McCubbins, McIver, Mc-Neill, McRae, Means, Mebane, Mendenhall, Mitchell, Mock. Moffitt, Moring, Moseley, Mullen, Newell, Norment, Oaksmith, Page, Parrott, Patton, Pinnix, Presson, Proffitt, Reid, Richardson, Scott, Shackelford, Sharpe, Smith of Anson, Smith of Hyde, Spears, Staples, Staton, Stephenson, Stowe, Strong, Tate, Thompson of Beaufort, Thompson of Lincoln, Walden, Walker of Richmond, Walker of Tyrrell, Ward, Wells, Whisnant, White, Whitley, Wiley, Woodhouse and Young-96.

Mr. Lloyd moved to indefinitely postpone the bill.

On the call of Mr. Staples, the previous question was ordered.

The motion to indefinitely postpone was rejected.

The bill then passed its several readings, and was ordered to be enrolled for ratification.

Mr. Walker, of Richmond, moved to reconsider the vote by which the bill passed, and to lay that motion on the table. The latter motion prevailed.

A message was received from the Senate transmitting the following, and asking concurrence therein:

S. B. No. 988: A bill to regulate the sale of liquor in Northampton county;

Senate amendments to S. R. No. 916, H. R. No. 231: Resolution on sine die adjournment;

Senate amendments to S. B. No. 968, H. B. No. 661: A bill to incorporate the Grange Bank of Cumberland county;

S. B. No. 1001: A bill to define the jurisdiction of the mayor of Newbern;

S. B. No. 824: A bill to authorize a specific appropriation for the erection of the penitentiary;

S. R. No. 1002: Resolution in favor of W. M. Moore.

They were read the first time, and disposed of as follows: Senate Bills Nos. 824, 988 and 1001, and S. R. No. 1002, were placed on the calendar.

The amendments to S. B. No. 968, H. B. No. 661, were concurred in.

The House refused to concur in the Senate amendments to S. R. No. 916, H. R. No. 216, and struck out "8 A. M." and inserted "12 M."

A message was ordered to be sent to the Senate informing that body of the action of the House.

A message was received from the Senate transmitting

S. B. No. 950: A bill in regard to selling or giving away of spirituous liquors on the Sabbath day;

S. B. No. 599: A bill to amend section 1, chapter 182, Battle's Revisal; and

S. B. No. 618: A bill in relation to Burke and McDowell counties.

They were read the first time and disposed of, as follows:

S. B. No. 950 was referred to the Committee on Propositions and Grievances;

S. B. No. 599, to the Judiciary, and

S. B. No. 618 to the Finance Committee.

#### THE SECOND SPECIAL ORDER.

S. B. No. 764, H. B. No. 762: A bill to suspend the operations of the usury law, was taken up as the second special order.

Mr. Staples moved to lay the bill on the table.

On the call of Mr. Gash, the yeas and nays were had, and the motion to table prevailed by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Atwater, Bernheardt of Rowan, Barrett, Bennett, Bettis, Brewington, Bryson, Bunn, Candler, Carter, Cary, Crews, Davis of Haywood, Davis of Jackson, Dortch, Eatman, Fields, Freeman, Garrison, Godwin, Good, Green, Haymore, Hurley, Kendall, King, Latta, Lloyd, Martin, McCubbins, McNeill, Mizell, Mock, Moseley, Mullen, Munden, Newell, Patton, Pinnix, Presson, Proffitt, Sharpe, Smith of Anson, Staples, Stowe, Thompson of Lincoln, Walden, Ward, Wells, Whisnant, White, Whitley, Woodhouse and Young—55.

The following gentlemen voted in the negative:

Messrs. Barnett, Barnhardt of Caldwell, Bizzell, Bryan, Carson, Dula, Elliott, Erwin, Etheridge, Finger, Foote, Gaither, Gash, Glenn, Griffin, Gudger, Hanner, Harrison, Holt, Hooker Isler, Jessup, Johnston, McCalop, McIver, McRae, Means, Mebane, Mendenhall, Moffitt, Moring, Norment, Oaksmith, Page, Reid, Richardson, Scott, Shackelford, Smith of Hyde, Spears, Staton, Stephenson, Strong, Tate, Thompson of Beau-

fort, Walker of Richmond, Walker of Tyrrell and Wheeler —48.

S. B. No. 824, H. B. No. 920: A bill to make a specific appropriation for the erection of a Penitentiary, was taken up, passed its several readings, and was ordered to be enrolled for ratification.

H. R. No. 232: A resolution in favor of the clerks of the General Assembly, was taken up.

Mr. Bettis demanded the yeas and nays.

The call was not sustained, and the resolution passed its several readings, and was ordered to be sent to the Senate without engrossment.

H. R. No. 230: A resolution directing the clerk to assort the calendar, was taken up and adopted.

H. B. No. 890: A bill to incorporate the American Type Setting Machine Company, was taken up, passed its several readings, and was ordered to be sent to the Senate without engrossment.

On motion, the House adjourned until 7:30 P. M.

## EVENING SESSION.

The House was called to order at 7:30 o'clock, Mr. Speaker Robinson in the chair.

On motion of Mr. Bunn,

H. B. No. 601: A bill to prevent colored children being bound out to white masters and mistresses, was taken from the Judiciary Committee and placed on the calendar.

The calendar was taken up, and

H. R. No. 131: A resolution in favor of Thomas Wilson and Louis Hilliard, was taken up on its third reading.

On the call of Mr. Staton, the previous question was ordered. On the demand of Mr. Bryson, the yeas and nays were called, and the resolution was rejected by the following vote: The following gentlemen voted in the affirmative:

Messrs. Barnett, Barrett, Bennett, Brewington, Bunn, Dortch, Gash, Good, Gudger, Jones, Lloyd, Martin, McCalop, McRae, Means, Mendenhall, Mizell, Mock, Mullen, Newell, Oaksmith, Patton, Reid, Staton, Stowe, Thompson of Lincoln, Walker of Richmond, Walker of Tyrrell, Ward, Wheeler, Wiley, Woodhouse and Young—33.

The following gentlemen voted in the negative:

Messrs. Anderson, Atwater, Barnhardt of Caldwell, Bernheardt of Rowan, Bettis, Bizzell, Bryson, Crews, Davis of Haywood, Davis of Jackson, Eatman, Elliott, Erwin, Etheridge, Fields, Finger, Freeman, Gaither, Garrison, Griffin, Hanner, Harrison, Haymore, Holt, Hughes, Hurley, Isler, Jessup, Kendall, Latta, McCubbins, McIver, McNeill, Mebane, Moffitt, Moore, Moseley, Parrott, Pinnix, Presson, Proffitt, Richardson, Shackelford, Sharpe, Smith of Anson, Staples, Tate, Thompson of Beaufort, Walden, Wells, Whisnant and Whitley—52,

By consent, Mr. Shackelford: A resolution in favor of Geo. D. Miller. Placed on the calendar.

Mr. Oaksmith, from the Committee on Finance, reported favorably on

H. R. No. 234: A resolution in favor of James H. Moore.

Mr. Oaksmith, from the Committee on Internal Improvements, reportedly favorably, with amendments, on

H. B. No. 574: A bill to amend the general railway laws of North Carolina.

Mr. Gudger, from the Committee on Propositions and Grievances, reported favorably on

S. B. No. 950, H. B. No. 930: A bill in regard to selling or giving away spirituous liquors on the Sabbath day.

Mr. Strong, from the Judiciary Committee, reported favorably on

S. B. No. 632, H. B. No. 891: A bill to amend section 69, chapter 32, Battle's Revisal;

H. B. No. 880: A bill to punish certain violations of the Sabbath day.

S. B. No. 599, H. B. No. 925: A bill to amend chapter 182, section 1, Battle's Revisal; and favorably, with amendment, on

S. B. No. 823, H. B. No. 924: A bill to change the time of holding elections in the year 1876.

By consent, Mr. McNeill: A resolution in regard to the consideration of bills. Placed on the calendar.

H. R. No. 239: A resolution in regard to the battery of artillery belonging to the State, was taken up, passed its several readings, and was ordered to be sent to the Senate without engrossment.

A message was received from the Senate transmitting the following, and asking concurrence:

- S. R. No. 1024: A resolution in regard to the lease of the N. C. Railroad; and
- S. B. No. 917: A bill to authorize the establishment of public graded schools in the city of Charlotte.

They were read the first time, and placed on the calendar.

- H. R. No. 233: A resolution concerning the Public Treasurer, was taken up, passed its several readings, and was ordered to be sent to the Senate without engrossment.
- H. B. No. 807: A bill to authorize the authorities in charge of the Eastern Division of the Western North Carolina Railroad to pay over the moneys in the treasury of the same to the proper authorities, was taken up, passed its several readings, and was ordered to be sent to the Senate without engrossment.
- H. B. No. 789: A bill to carry into effect section six, article nine, of the Constitution, in relation to unclaimed dividends, was taken up, passed its several readings, and was ordered to be sent to the Senate without engrossment.
- H. B. No. 911: A bill to incorporate the Historical Society of North Carolina, was taken up, passed its several readings, and was ordered to be engrossed.
- S. R. No. 1002, H. R. No. 239: A resolution in favor of W. M. Moore, was taken up, passed its several readings, and was ordered to be enrolled for ratification.
  - S. B. No. 999, H. B. No. 923: A bill concerning the public

printing, was taken up, passed its several readings, and was ordered to be enrolled for ratification.

H. B. No. 422: A bill explanatory of certain acts and to enable certain parties holding certain bonds to sell the same, &c., was taken up, and failed to pass its second reading for the want of a quorum.

Mr. Moring renewed the question on the bill on its second reading, and it passed.

Under a suspension of the rules, the bill came up on its third reading.

Mr. Kendall called for the yeas and nays.

The call was not sustained, and the bill was put to a vote, and again failed for the want of a quorum.

The question on the bill was again renewed.

Mr. Lloyd moved to postpone and make special order for tomorrow at 11 A. M. The motion was rejected, and the bill passed its third reading, and was ordered to be engrossed.

Mr. Bunn moved to suspend the rules, and take up

H. B. No. 601: A bill to prevent colored children from being bound to white masters or mistresses, and put it on its several readings. The motion did not prevail.

S. B. No. 820, H. B. No. 887: A bill in regard to the hire of convict labor in and outside of the Penitentiary, &c., was taken up.

The committee amendments were adopted, and the bill passed its several readings, and was ordered to be sent to the Senate for concurrence in the House amendments.

By Mr. Moring: Resolution in regard to Hon. A. S. Merrimon. Placed on the calendar.

S. B. No. 956, H. B. No. 917: A bill to incorporate the Sampson County Agricultural Society, was taken up, passed its several readings, and was ordered to be enrolled for ratification.

H. R. No. 241: Resolution in favor of G. D. Miller, was taken up, passed its several readings, and was ordered to be sent to the Senate without engrossment.

H. R. No. 234: Resolution in favor of James H. Moore, was taken up.

Mr. Erwin moved to lay the resolution on the table, and on his motion called for the yeas and nays.

The call was sustained, and the motion to table prevailed by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Barnhardt of Caldwell, Bernheardt of Rowan, Barrett, Bettis, Brewington, Bryson, Carter, Crews, Davis of Haywood, Davis of Jackson, Eatman, Elliott, Erwin, Fields, Finger, Garrison, Good, Griffin, Gudger, Hanner, Harrison, Haymore, Hughes, Isler, Johnston, Kendall, King, Latta, Lloyd, McCubbins, McIver, McNeill, Mock, Moseley, Newell, Pinnix, Richardson, Scott, Shackelford, Sharpe, Staton, Stowe, Thompson of Beaufort, Thompson of Lincoln, Ward, Wells, Wheeler, Whisnant and Young—50.

The following gentlemen voted in the negative:

Messrs. Atwater, Barnett, Bryan, Dortch, Freeman, Holt, Hurley, Martin, McCalop, McRae, Means, Mendenhall, Moring, Mullen, Oaksmith, Patton, Presson, Smith of Anson, Smith of Hyde, Spears, Staples, Strong, Walker of Richmond, Walker of Tyrrell, Whitley, Wiley and Woodhouse—27.

H. B. No. 882: A bill to incorporate the Dry Pond and New Town Bucket Company, was taken up, passed its several readings, and was ordered to be sent to the Senate without engrossment.

A message was received from the Senate transmitting the following, and asking concurrence therein:

- S. B. No. 997: A bill concerning arrears of taxes in Robeson county for the years 1868-'69.
- S. R. No. 1025: Resolution providing for the payment of \$640, on State warrant No. 678, &c.

Both of the above were placed on the calendar.

By consent, Mr. Spears: A bill to prevent damage to crops. Placed on the calendar.

A message was received from the Senate transmitting the following, and asking concurrence therein:

- S. B. No. 906: A bill to improve the laws of this State;
- S. B. No. 1003: A bill to amend the machinery bill.

Both of the above were read the first time, and placed on the calendar.

A message was received from the Senate transmitting engrossed amendments to H. B. No. 370, S. B. No. 926: A bill to amend the charter of the North Carolina Railroad Company, and to provide for the transferring of the State's stock therein.

On motion of Mr. Means, the consideration of the amendments was made special order for to-morrow at half past 11 o'clock, A. M.

H. B. No. 885: A bill to incorporate the Rocky Ford Manufacturing Company, was taken up.

The committee amendments were adopted, and the bill passed its several readings, and was ordered to be engrossed.

- S. B. No. 773, H. B. No. 776: A bill to incorporate the Fifth Ward Bucket Company, was taken up, passed its several readings, and was ordered to be enrolled for ratification.
- H. B. No. 889: A bill to amend section 77, chapter 33, Battle's Revisal, was taken up, passed its several readings, and was ordered to be engrossed.
- H. B. No. 916: A bill to amend an act for the government of the town of Wadesboro, was taken up, passed its several readings, and was ordered to be engrossed.
- S. R. No. 1025, H. R. No. 244: A resolution to pay \$640 on a State warrant, No. 678, &c., was taken up, passed its several readings, and was ordered to be enrolled for ratification.
- S. B. No. 843, H. B. No. 852: A bill to prevent discrimination of freight tariffs by railroad companies operating in this State, was taken up, passed its several readings, and was ordered to be enrolled for ratification.
  - H. B. No. 809: A bill to punish the willful burning of

houses, was taken up, passed its several readings, and was ordered to be sent to the Senate without engrossment.

H. R. No. 227: A resolution concerning stationery, was taken up, adopted, and ordered to be engrossed.

A message was received from the Senate transmitting

S. B. No. 987: A bill to require the Carolina Central Railway Company to complete its road to Rutherfordton. The bill was referred to the Committee on Internal Improvements.

H. B. No. 894: A bill to incorporate the Railway Operatives' Mutual Insurance Company, was taken up, passed its several readings, and was ordered to be sent to the Senate without engrossment.

H. B. No. 695: A bill to amend the charter of the town of Elizabeth City, was taken up, passed its several readings, and was ordered to be sent to the Senate without engrossment.

H. B. No. 888: A bill to amend section 77, chapter 33, Battle's Revisal, was taken up, passed its several readings, and was ordered to be engrossed.

H. B. No. 713: A bill to incorporate the Wilberforce School, was taken up, passed its several readings, and ordered to be sent to the Senate without engrossment.

H. B. No. 904: A bill to attach Transylvania county to the 11th Judicial District, &c., was taken up, and failed to pass its second reading.

H. B. No. 865, S. B. No. 839: A bill to create another township in Chowan county, was taken up.

On motion of Mr. Elliott, the bill was referred to the Committee on Counties, Cities, Towns and Townships.

S. B. No. 917, H. B. No. 931: A bill to authorize the establishment of graded schools in Charlotte, was taken up, and passed its second reading by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Atwater, Barnhardt of Caldwell, Bernheardt of Rowan, Barrett, Bennett, Bettis, Brewington, Bryson, Carter, Davis of Haywood, Dortch, Eatman, Elliott, Fields, Freeman, Gaither, Garrison, Good, Griffin, Gudger, Hanner,

Harrison, Haymore, Holt, Hooker, Hughes, Hurley, Isler, Johnston, Kendall, Latta, Lloyd, McCubbins, McIver, McNeill, McRae, Means, Mebane, Mendenhall, Moring, Moseley, Mullen, Munden, Newell, Oaksmith, Parrott, Patton, Pinnix, Presson, Proffitt, Reid, Scott, Shackelford, Sharpe, Smith of Anson, Smith of Hyde, Spears, Staples, Staton, Stowe, Strong, Tate, Thompson of Beaufort, Thompson of Lincoln, Walker of Richmond, Ward, Wells, Wheeler, Whisnant, White, Whitley, Wiley and Young—74.

Negative none.

- S. B. No. 998, H. B. No. 925: A bill supplemental to the act to raise revenue, was taken up, passed its several readings, and was ordered to be enrolled for ratification.
- S. B. No. 243, H. B. No. 705: A bill to amend the charter of the town of Kinston, was taken up, passed its several readings, and was ordered to be enrolled for ratification.
- S. B. No. 1001, H. B. No. 929: A bill to define the jurisdiction of the mayor of Newbern, was taken up, passed its several readings, and was ordered to be enrolled for ratification.
- S. B. No. 92, H. B. No. 771: A bill for the improvement and reclamation of certain swamp lands in New Hanover and other counties, was taken up, and made special order for tomorrow at 12 M.
- S. B. No. 663, H. B. No. 718: A bill amendatory of an act in favor of certain officers and tax payers of North Carolina, chapter 70, laws of 1873-'74, was taken up, passed its several readings, and was ordered to be enrolled for ratification.
- H. R. No. 224: A resolution in favor of certain officers of the General Assembly, was taken up.
- Mr. Gudger offered a substitute for the whole matter, which was adopted, and the resolution passed its several readings, and was ordered to be engrossed.
- H. B. No. 734: A bill concerning the payment of lunatic claims, was taken up.

Pending definite action, the House adjourned until to-morrow at 10 A. M.

## EIGHTY-FOURTH DAY.

SATURDAY, March 20th, 1875.

The House was called to order at 10 A. M., Mr. Speaker Robinson in the chair.

On motion, the reading of the Journal of yesterday was dispensed with.

#### REPORTS OF STANDING COMMITTEES.

Mr. Tate, from the Finance Committee, reported favorably on

S. B. No. 692, H. B. No. 761: A bill to amend chapter 52, section 1, laws of 1873-'74; and on

S. B. No. 618, H. B. No. 919: A bill in relation to Burke and McDowell counties.

Mr. Spears, from the Committee on Judiciary, reported favorably on

H. B. No. 268: A bill to prevent the burning of turpentine and fixtures.

The following bills and resolutions, reported as correctly enrolled by the Committee on Enrolled Bills, were duly ratified and transmitted to the Senate:

An act to prohibit the sale of spirituous liquors within one and a half miles of Poplar Spring church, in the county of Franklin;

An act to incorporate the Dan River Navigation Company;

An act to authorize the commissioners of Jackson county to have a toll gate erected on a road known as the Tuckasegee and Keowee turnpike road;

An act to incorporate the Robeson County Agricultural Society;

Resolution concerning the funeral expenses of the late Governor Caldwell;

An act to incorporate the Mecklenburg Centennial Association;

Resolution in favor of Geo. D. Miller;

An act to provide another asylum for the insane of North Carolina;

Resolution on adjournment;

Resolution in favor of James Farriss and James Lumley; An act authorizing a specific appropriation for the erection

of the Penitentiary;

An act concerning burnt and destroyed records of Watauga county;

An act to amend section 1, chapter 31, laws of 1873-'74;

Resolution in favor of the doorkeepers and pages of the General Assembly;

An act concerning inspectors of timber in the city of Wilmington;

An act to authorize the commissioners of Cumberland to fund their debt;

Resolution in favor of the clerks of the General Assembly; An act to amend chapter 64, Battle's Revisal, "landlords and tenants;"

An act to authorize the manufacturing of domestic wines in this State;

An act to provide additional arms for military schools;

An act to create another township in the county of Burke;

An act to incorporate Whitaker's Mills, in Nash county;

An act to change the time of salesday;

An act to incorporate the town of Polkton, Anson county; An act in relation to taxation in the counties of Burke and McDowell;

An act to incorporate the Ridgeway Cemetery Association;

An act to facilitate the construction of telegraph lines;

An act to establish a branch colored asylum at Wilmington, North Carolina;

An act to amend section 2, chapter 23, Battle's Revisal, entitled "Constables;"

An act in relation to the land scrip fund for the establishment of colleges for the benefit of agriculture and the mechanic arts;

An act to authorize the mayor and commissioners of Fayetteville to re-organize the fire department of said town;

Resolution concerning an appeal to the Supreme Court of the United States;

An act to incorporate the Plummer Hook and Ladder Company, No. 1;

An act to amend chapter 113, laws of 1868-'69, as brought forward in Battle's Revisal, chapter 45, section 115;

An act to amend the charter of the town of Cero Gordo, Columbus county;

An act to amend an act to lay off and establish a public road in the counties of Davie and Davidson;

An act to allow a jury in Madison county to lay off a road to Marshall, N. C.;

Resolution providing for the payment of a State warrant; Resolution-in regard to the battery of artillery belonging to the State.

#### INTRODUCTION OF RESOLUTIONS.

The following resolutions were introduced and placed on the calendar:

By Mr. Crews: A resolution of thanks to the doorkeepers; By Mr. Finger: A resolution of thanks to the clerks of the House.

By Mr. Oaksmith: A resolution concerning the opinion of Chief Justice Pearson and Associate Justices Rodman and Bynum in regard to the State gauge question.

#### INTRODUCTION OF BILLS.

By Mr. Richardson: A bill in relation to property of the State bid in therefor on account of non-payment of taxes. Placed on the calendar.

Mr. Munden was allowed to record his vote in the negative on the motion to table H. R. No. 229, and Mr. Davis, of Jackson, in the affirmative.

On motion of Mr. Reid, the calendar was placed at the disposal of the Speaker.

- S. B. No. 998, H. B. No. 927: A bill to regulate the sale of liquor in Northampton county, was taken up, passed its several readings, and was ordered to be enrolled for ratification.
- S. R. No. 989, H. R. No. 238: Resolution in regard to the Superintendent of the Insane Asylum, was taken up, passed its several readings, and was ordered to be enrolled for ratification.
- S. B. No. 917, H. B. No. 931: A bill to authorize the establishment of public graded schools in Charlotte, was taken up, passed its third reading by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Atwater, Barnhardt of Caldwell, Bernheardt of Rowan, Barrett, Bennett, Bizzell, Boyd, Brewington, Bryan, Bryson, Candler, Davis of Haywood, Davis of Jackson, Dortch, Eatman, Elliott, Erwin, Etheridge, Fields, Freeman, Garrison, Gash, Glenn, Griffin, Gudger, Hanner, Haymore, Hughes, Hurley, Johnston, Kendall, Latta, Lloyd, Martin, McCalop, McCubbins, McIver, McNeill, McRae, Means, Mendenhall, Mizell, Moffitt, Moring, Moseley, Mullen, Newell, Page, Parrott, Patton, Pinnix, Presson, Reid, Sharpe, Smith of Anson, Spears, Staples, Staton, Stephenson, Stowe, Strong, Thompson of Beaufort, Walden, Walker of Richmond, Walker of Tyrrell, Ward, Whisnant and Whitley—69.

Negative none.

H. B. No. 734: A bill to pay certain lunatic claims, was taken up.

A number of amendments were offered, when,

On motion of Mr. Anderson, the whole matter was laid on the table.

S. B. No. 1000, H. B. No. 918: A bill to protect the State

railway policy and gauge, was taken up and referred to the Committee on Internal Improvements.

- S. R. No. 1024, H. R. No. 240: Resolution in relation to the lease of the North Carolina Railroad, was taken up, and referred to the same committee.
- S. B. No. 854, H. B. No. 898: A bill to amend Battle's Revisal, was taken up, passed its several readings, and was ordered to be enrolled for ratification.
- Mr. McRae, from the Committee on Internal Improvements, reported favorably on S. B. No. 1000, H. B. No. 918: A bill to protect the State railway policy and gauge; and on
- S. R. No. 1024, H. R. No. 240: Resolution in regard to the lease of the North Carolina Railroad.

Mr. Richardson, from the Committee on Finance, reported favorably on H. B. No. 815, S. B. No. 629: A bill to amend chapter 2, section 16, Battle's Revisal.

H. B. No. 862: A bill to promote fish culture in North Carolina, was taken up, and laid on the table.

Mr. Gudger, from the Committee on Propositions and Grievances, reported unfavorably on H. B. No. 546: A bill to prohibit the carrying of side arms in the 12th Judicial District.

Mr. Pinnix, from the Judiciary Committee, reported favorably on H. B. No. 915: A bill to prevent fraud in the sale of public property.

Mr. McRae, from the Committee on Internal Improvements, reported favorably on S. B. No. 987, H. B. No. 936: A bill to require the Carolina Central Railway Company to complete its road to Rutherfordton.

- S. B. No. 232, H. B. No. 872: A bill to establish a public road from Horse Gap to the Virginia line, was taken up, passed its several readings, and was ordered to be enrolled for ratification.
- H. R. No. 223: Resolution in regard to cloth in the hands of the Keeper of the Capitol, was taken up, passed its several readings, and was ordered to be engrossed.
  - S. B. No. 156, H. B. No. 754: A bill to amend chapter 105,

section 28, sub-division 37, Battle's Revisal, relating to fees of Superior Court Clerks, was taken up.

On motion of Mr. Means, the bill was laid on the table.

S. R. No. 1024, H. R. No. 240: Resolution in regard to the leasing of the North Carolina Railroad, was taken up, and failed to pass its second reading.

Mr. Oaksmith moved to reconsider the vote by which the resolution failed to pass its second reading.

The motion to reconsider was put to a vote and rejected.

A message was received from the Senate asking the return of S. B. No. 629, H. B. No. 815: A bill to amend chapter 2, section 16, Battle's Revisal.

Mr. Mendenhall moved to return the bill to the Senate.

Pending this motion, the House, on motion, took a recess for thirty minutes.

At the expiration of the recess, the House was again called to order.

Mr. Mendenhall's motion in regard to S. B. No. 629, H. B. No. 815, prevailed by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Barnhardt of Caldwell, Bennett, Bettis, Bizzell, Bryan, Dortch, Elliott, Finger, Gaither, Godwin, Griffin, Hanner, Hughes, Hurley, Johnston, Kendall, Lloyd, Martin, McCalop, McCubbins, McIver, McRae, Means, Mebane, Mendenhall, Mock, Moffitt, Moring, Mullen, Norment, Oaksmith, Page, Patton, Pinnix, Presson, Reid, Richardson, Sharpe, Smith of Anson, Spears, Staton, Stephenson, Strong, Thompson of Lincoln, Walker of Richmond and Whitley—46.

The following gentlemen voted in the negative:

Messrs. Anderson, Atwater, Bernheardt of Rowan, Barrett, Brewington, Bryson, Candler, Carter, Davis of Haywood, Davis of Jackson, Eatman, Erwin, Etheridge, Fields, Freeman, Garrison, Gash, Glenn, Good, Gudger, Harrison, Haymore, Latta, McNeill, Moseley, Munden, Newell, Proffitt, Stowe, Tate, Walker of Tyrrell, Ward, Whisnant, White, Wiley and Young—36.

The question of concurrence or non-concurrence in the Senate amendments to S. B. No. 926, H. B. No. 370: A bill to amend the charter of the North Carolina Railroad Company, and to provide for the transferring of the State's stock therein, was put.

Mr. Mendenhall offered a substitute, which was adopted, and the bill passed its several readings, and was ordered to be sent to the Senate without engrossment for concurrence in the House substitute.

S. B. No. 92, H. B. No. 771: A bill for the reclamation of certain swamp lands in New Hanover and other counties, was taken up, and, on motion, laid on the table, by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Barnhardt of Caldwell, Bernheardt of Rowan, Bettis, Bryson, Candler, Carter, Crews, Davis of Haywood, Davis of Jackson, Eatman, Erwiu, Etheridge, Fields, Finger, Gaither, Garrison, Glenn, Good, Griffin, Gudger, Hanner, Harrison, Haymore, Hughes, Johnston, Kendall, Lloyd, McCubbins, McIver, Means, Mock, Munden, Newell, Oaksmith, Patton, Pinnix, Proffitt, Sharpe, Spears, Staples, Stephenson, Thompson of Lincoln, Walden, Ward, White and Whitley—47.

The following gentlemen voted in the negative:

Messrs. Atwater, Barnett, Barrett, Bennett, Bizzell, Bryan, Dortch, Elliott, Freeman, Gash, Hurley, Latta, Martin, McCalop, McNeill, McRae, Mebane, Mendenhall, Moore, Moring, Moseley, Mullen, Norment, Page, Presson, Reid, Richardson, Staton, Stowe, Strong, Tate, Thompson of Beaufort, Walker of Richmond, Walker of Tyrrell, Whisnant and Wiley—36.

By consent, Mr. Tate introduced a resolution authorizing the employment of an Assistant Geologist to operate in the Western part of the State.

On motion, the rules were suspended, and the resolution was taken up and put on its passage.

The yeas and nays were called, and the resolution failed to pass its second reading by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Bennett, Brewington, Candler, Crews, Davis of Haywood, Davis of Jackson, Dortch, Erwin, Gaither, Garrison, Gash, Glenn, Good, Gudger, Hughes, McRae, Means, Mebane, Mendenhall, Norment, Oaksmith, Patton, Presson, Proffitt, Smith of Anson, Staples, Stephenson, Strong, Tate, Walker of Richmond, Wheeler, Whisnant, White and Young—34.

The following gentlemen voted in the negative:

Messrs. Anderson, Atwater, Barnhardt of Caldwell, Bernheardt of Rowan, Barrett, Bettis, Bizzell, Bryan, Carter, Eatman, Etheridge, Fields, Finger, Griffin, Hanner, Harrison, Haymore, Hurley, Johnston, Latta, Lloyd, McIver, McNeill, Mizell, Moffitt, Moseley, Newell, Pinnix, Richardson, Sharpe, Spears, Staton, Stowe, Thompson of Lincoln, Ward and Whitley—36.

Mr. Hanner moved to reconsider the vote by which the resolution failed to pass its second reading.

The ayes and nays were called, and the motion to reconsider prevailed by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Anderson, Barnhardt of Caldwell, Barrett, Bennett, Bettis, Bizzell, Bryan, Candler, Dortch, Eatman, Etheridge, Fields, Finger, Garrison, Gash, Griffin, Gudger, Harrison, Haymore, Hurley, Kendall, Martin, McCalop, McCubbins, McNeill, McRae, Means, Mebane, Mendenhall, Moseley, Mullen, Oaksmith, Page, Patton, Pinnix, Reid, Richardson, Sharpe, Smith of Anson, Spears, Staples, Staton, Stephenson, Stowe, Strong, Tate, Thompson of Lincoln, Walker of Richmond, Walker of Tyrrell, Whitley and Young—51.

The following gentlemen voted in the negative:

Messrs. Bernheardt of Rowan, Boyd, Brewington, Carter, Crews, Erwin, Freeman, Hanner, Hughes, Latta, Lloyd, McIver, Mizell, Moring, Munden, Newell, Walden, Ward, Wheeler and Whisnant—20.

The question recurred on the passage of the resolution on its second reading.

Mr. Hanner moved to amend by providing that the \$1,500 per annum, for the Assistant Geologist, shall come out of the regular annual appropriation for the Geological Survey.

On motion of Mr. Norment, the whole matter was laid on

the table.

- H. B. No. 926, S. B. No. 915: A bill to prevent fraud in the sale of public property, was taken up, passed its several readings, and was ordered to be enrolled for ratification.
- S. B. No. 692, H. B. No. 761: A bill to amend section 1, chapter 59, laws of 1873-'74, was taken up, passed its several readings, and was ordered to be enrolled for ratification.
- S. B. No. 618, H. B. No. 919: A bill in relation to the counties of Burke and McDowell, was taken up, and passed its second reading.

Under a suspension of the rules, the bill came up on its third reading, and was laid on the table.

S. B. No. 823, H. B. No. 824: A bill to change the time of holding the elections in this State in the year 1876, was taken up.

The committee amendments were adopted, and the bill passed its several readings, and was ordered to be sent to the Senate for concurrence in the House amendments.

By Mr. Tate: A resolution in regard to the commissioners of the Western Insane Asylum. The rules were suspended, and the resolution was adopted.

Mr. McRae made the following statement, and requested that it be entered on the Journal:

"Some days since a resolution was adopted raising a Joint Select Committee to enquire whether the Public Treasurer has received interest on deposits, with the usual powers to said committee. Messrs. Richardson, Bennett and I were appointed as the House Branch, and, as chairman, on the next day, I applied for the resolution, but it could not be found. I enquired

in the Senate, and found that the Senate Branch had not been appointed. This was in the last few days of the session, and there was no time for carrying out the objects of the resultion. Imake this statement to show that there was no neglect on the part of the committee."

A message was received from the Senate informing the House that the Senate refused to concur in the House substitute for

S. B. No. 926, H. B. No. 370: A bill to amend the charter of the North Carolina Railroad Company.

On motion of Mr. Mendenhall, a message was sent to the Senate informing that body that the House insisted on its substitute, and asked a Committee of Conference, and that Messrs. Mendenhall, McRae and Mebane, constituted the House Branch of said committee.

A message was received from the Senate transmitting

S. R. No. 1076: A resolution for indexing the Senate and House Journals.

The rules were suspended, and the resolution failed to pass by the following vote:

The following gentlemen voted in the affirmative:

Messrs. Boyd, Crews, Dortch, Finger, Gash, Gudger, Hughes, Martin, McCalop, Means, Mebane, Oaksmith, Patton, Smith of Anson, Strong, Walker of Richmond and Wheeler—17.

The following gentlemen voted in the negative:

Messrs. Atwater, Barnhardt of Caldwell, Bernheardt of Rowan, Bettis, Bizzell, Brewington, Bryan, Bryson, Candler, Carter, Davis of Haywood, Davis of Jackson, Eatman, Erwin, Etheridge, Fields, Freeman, Garrison, Griffin, Hanner, Harrison, Haymore, Hurley, Latta, Lloyd, McIver, McNeill, Mizell, Moseley, Munden, Pinnix, Richardson, Sharpe, Spears, Stowe, Tate, Thompson of Lincoln, Walker of Tyrrell, Wells, Whisnant and Whitley—41.

S. B. No. 771, H. B. No. 936: A bill to amend chapter 63,

section 12, Battle's Revisal, was taken up, passed its several readings, and was ordered to be enrolled for ratification.

Mr. Mendenhall, from the Committee on Conference on H. B. No. 370, S. B. No. 926: A bill to amend the charter of the North Carolina Railroad Company, reported that the majority of the committee recommended that the House recede from its substitute.

Pending the consideration of the matter, the House adjourned until Monday at 9 o'clock A. M.

### EIGHTY-FIFTH DAY.

Monday, March 22nd, 1875.

The House was called to order at 9 A. M., Mr. Speaker Robinson in the chair.

The reading of the Journal of Saturday was dispensed with. On motion of Mr. Tate, the report of the Joint Select Committee to cancel, burn, &c., certain bonds and securities in the Treasurer's office, transmitted to the House by message from the Senate, but not announced, was ordered to be given to the Treasurer to copy on his books, and to be returned to the Principal Clerk of the House of Representatives, when said copying had been completed.

According to the order of the House, the said report was given to the Treasurer.

On motion of Mr. Tate, the House took a recess for an hour. At the expiration of the recess, the House was called to order by Mr. Means.

On motion of Mr. Walker, of Richmond, the House took another recess for 15 minutes.

Mr. Tate was allowed to record his vote in the affirmative on the motion to table the resolution in favor of J. H. Moore. Messrs. Walker, of Richmond, and Dortch were added to the Committee on Enrolled Bills.

The following bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the Senate:

An act to incorporate the Grange Bank of Cumberland;

An act to alter the times of holding the Superior Courts in the Second Judicial District;

An act to define the jurisdiction of the mayor of Newbern;

An act supplemental to an act to raise revenue, passed at the present session of the General Assembly;

An act in favor of certain officers and tax payers of North Carolina, being chapter 70, public laws of 1873-74;

An act to prohibit the sale of spirituous liquors in certain localities (omnibus liquor bill);

An act to prevent discrimination in freight tariffs by railroad companies operating in this State;

An act to incorporate the Sampson County Agricultural Society;

An act concerning public printing;

An act to incorporate the Fifth Ward Independent Bucket Company, No. 1, of Wilmington, North Carolina.

Resolution in favor of W. M. Moore;

An act to amend chapter 69, private laws of 1872-'73;

An act concerning county taxes of Columbus county;

An act to incorporate the Railway Operatives' Mutual Insurance Company;

An act to authorize the Atlantic and North Carolina Railroad Company to construct a branch road;

An act to amend the charter of Elizabeth City, in the county of Pasquotank;

An act to ascertain the indebtedness of the different counties, cities and towns of this State, and to prescribe a statute of limitations:

An act to amend the charter of the town of Kinston, in Lenoir county, and for other purposes; An act to raise revenue;

Rosolution in relation to business of the General Assembly on day of adjournment;

An act to amend section 1, chapter 52, and section 1, chapter 59, of the laws of 1873-'74;

An act to amend section 12, chapter 63, of Battle's Revisal; Joint resolution on Superintendent of Insane Asylum;

An act to provide for the erection of a new kitchen and a store house rooms at the Insane Asylum;

An act to amend Battle's Revisal, section 6, chapter 118;

An act explanatory of certain acts, and to enable parties holding bonds of the State, issued for internal improvements under acts passed prior to the war, to sell the same;

Resolution concerning certain commissioners;

An act to amend election laws;

An act to authorize the hire of convict labor in or outside the State's prison, and to regulate the same;

Resolution in regard to cloth in the hands of the Keeper of the Capitol;

An act to extend the time for the organization of certain corporations;

An act in relation to fees in State causes;

An act to incorporate the Rocky Ford Manufacturing Company, in the county of Richmond;

An act in relation to estrays;

Resolution in regard to the Centennial of American Independence;

An act to amend section 1, chapter 14, of private laws of 1870-71, and to re-enact the same.

An act to enable the mayor and commissioners of the town of Fayetteville to issue bonds in exchange for bonds issued by said mayor and commissioners in payment of subscription for stock in the Western Railroad Company;

An act to change the time of holding certain courts;

An act to require the Secretary of State to perform certain duties;

An act to incorporate Perseverance Council, No. 74, Friends of Temperance of Fayetteville, N. C.;

An act to punish the willful burning of houses;

An act to incorporate the Historical Society of North Carolina;

An act to incorporate the Atlantic Iron and Steel Company; An act to extend the corporate limits of the town of Goldsboro', and for other purposes;

An act to incorporate the town of Penny Hill, in the county of Pitt;

An act supplemental to an act to raise revenue, passed at the present session of the General Assembly;

An act to incorporate the North Carolina Printing and Publishing Company;

An act to prevent the netting of birds in the county of Forsythe;

An act concerning maintainance of lunatics;

An act to change the time of holding elections in this State in the year 1876;

An act to allow the citizens of Swain county to pass through the counties of Macon and Jackson without paying toll;

An act to extend and define the corporate limits of the town of Morganton;

An act to incorporate the Dry Pond and New Town Bucket Company, No. 3, of the city of Wilmington;

An act to authorize the officers in charge of the Eastern Division of the Western North Carolina Railroad to pay the money in the treasury of the same to the officers entitled thereto.

An act to incorporate the American Type Setting Machine Company;

An act to carry into effect section 6, article 9, of the Constition, in relation to unclaimed dividends;

An act to punish the fraudulent use of brands;

An act to amend chapter 120, section 1, Battle's Revisal;

An act to incorporate the Wilberforce School;

An act to amend chapter 17, section 57, Battle's Revisal, concerning parties to actions to recover real estate;

An act to regulate the sale of spirituous liquors in Northampton county;

An act to prohibit the sale of spirituous liquors in certain localities in Chatham county;

An act to authorize the establishment of public graded schools in the city of Charlotte;

An act to establish a public road from Horse Gap to the Virgina line;

An act to prohibit the sale of spirituous liquors in or within three miles of the town of Murfreesboro', in the county of Hertford;

An act to amend an act entitled "An act to amend the charter of the North Carolina Railroad Company, and for other purposes therein mentioned."

A message was received from the Senate proposing that the Secretary of the Senate and Principal Clerk of the House bring forward all of the unfinished business of the present session for action at the next session of the Senate and House of Representatives, in case the present General Assembly should again covene by the call of the Governor, or the Constitutional Convention ordered to meet in September next. The proposition was concurred in.

S. B. No. 687, H. B. No. 939: A bill to repeal an act amendatory of an act to lay out a turnpike road from the South Carolina line, at some point near the Block House, in Rutherford county, to Cain creek bridge, in Buncombe county, &c., was taken up.

The point of order was raised that there was no quorum in the House, and the bill failed to pass its second reading.

On motion of Mr. Hanner, a message was sent to the Senate, informing that body that the House would adjourn sine die on the return of the messenger.

On the return of the messenger, the speaker adjourned the House sine die.

# APPENDIX.

# LIST OF OFFICERS OF THE HOUSE OF REPRESENTATIVES.

#### SPEAKER:

JAMES L. ROBINSON, Franklin, N. C.

CHIEF CLERK:

JOHN D. CAMERON, Hillsboro, N. C.

READING CLERK:

W. M. HARDY, Asheville.

ENGROSSING CLERK:

W. J. BARRETT, Lenoir Co.

PRINCIPAL DOORKEEPER:

JOHN H. HILL, Randolph Co.

ASSISTANT DOORKEEPER:

JOHN P. NORTON, Marion, N. C.

MEMBERS OF THE HOUSE.	POST OFFICE.	COUNTY.
Atwater, Matthew Ballard, R. H. Barnett, S. C. Bernhardt, M. A. Bernhardt, G. M.	Calahan, Snipes' Store, Gatesville, Roxboro', Lenoir, Goldhill, Greenville,	Davie. Orange. Gates. Person. Caldwell. Rowan. Pitt.

MEMBERS OF THE HOUSE.	POST OFFICE.	COUNTY.
Bennett, J. L.	Easy Hill,	Brunswick.
Bettis, Allen	Shelby,	Cleaveland.
Bizzell, E. A.	Newton Grove,	Johnston.
Blythe, James	Blue Ridge,	Henderson.
Boyd, James E.	Graham,	Alamance.
Brewington, H.	Wilmington,	New Hanover
Bryan, W.	Newton Grove,	Sampson.
Bryson, T. D.	Charleston,	Swain.
Bunn, Willis	Battleboro',	Edgecombe.
Candler, W. G.	Laurel Fork,	Buncombe.
Carson, J. M.	Taylorsville,	Alexander.
Carter, J. Hawkins	Warrenton,	Warren.
Cary, Wilson	Yanceyville,	Caswell.
Crews, W.	Oxford,	Granville.
Crews, W. Davis, F. N.	Ironbluff,	Haywood.
Davis, E. D.	Webster,	Jackson.
Dortch, I. T.	Goldsboro',	Wayne.
Dula, Ť. J.	Wilkesboro',	Wilkes.
Eatman, T. J.	Wilson,	Wilson.
Elliott, Richard	Small's X Roads,	Chowan.
Erwin, A. M.	Marion,	McDowell.
Etheridge, John B.	Manteo,	Dare.
Fields, W. C.	Gap Civil,	Alleghany.
Fields, W. C. Finger, S. M.	Newton,	Catawba.
Foote, J. H.	Delaplane,	Wilkes.
Freeman, A. C.	Albemarle,	Stanly.
Gaither, A. F.	Eagle Mills,	Iredell.
Garrison, John	olumbus,	Polk.
Gash, Thomas D.	Brevard,	Transylvania.
Glenn, W. B.	Yadkinville,	Yadkin.
Godwin, T.	Tarboro',	Edgecombe.
Good, John R.	Newbern,	Craven.
Green, L. L.	Boone,	Watauga.
Griffin, W. T.	Nashville.	Nash.
Gudger, H. A.	Marshall,	Madison.
Hanner, O. A.	St. Lawrence,	Chatham.
Harrison, Thomas S.	Purley,	Caswell.
Harrison, Thomas S. Haymore, Wm.	Mount Airy,	Surry.
Hicks, John O.	Hayesville,	Clay.
Hill, Edward H.	Cobelan,	Craven.

MEMRERS OF THE HOUSE.	POST OFFICE.	COUNTY.
Holt, E. J.	Princeton,	Johnston.
Hooker, F. E.	Hookerton,	Greene.
Hughes, H. T.	Oxford,	Granville.
Hurley, Elias	Mount Gilead,	Montgomery.
Isler, John W.	LaGrange,	Wayne.
Jessup, S. McD.	Cedar Creek,	Cumberland.
Jetton, J. L.	Davidson College,	Mccklenburg.
Johnston, John S.	Ruffin,	Rockingham.
Jones, J. A.	Enfielá,	Halifax.
Kendall, A. H.	Hoover Hill,	Randolph.
King, M. C.	Murphy,	Cherokee.
Latta, Jos. W.	Durham,	Orange.
Lloyd, Alfred	Topsail Sound,	New Hanover
Martin, Thomas	Colesville,	Stokes.
McCalop, James J.	Clinton,	Sampson.
McCubbins, I. S.	Mill Bridge,	Rowan.
McIver, A. A.	Jonesboro',	Moore.
McNeill, Neill	St. Paul's,	Robeson.
McRae, J. C.	Fayetteville,	Cumberland.
Means, P. B.	Concord,	Cabarrus.
Mebane, W. N.	Wentworth,	Rockingham.
Mendenhall, Nereus	Jamestown,	Guilford.
Mitchell, T. T.	Salem,	Franklin.
Mizell, J. R.	Jamesville,	Martin.
Mock, T. A.	Midway,	Davidson.
Moffitt, M. T.	Moffitt's Mills,	Randolph.
Moore, W. H.	Wilmington,	New Hanover
Moring, J. M.	Morrisville,	Chatham.
Moseley, A. G.	Warsaw,	Duplin.
Mullen, F. N.	South Mills,	Camden.
Munden, W. J.	Woodville,	Pasquotank.
Newell, John	Clarkton,	Bladen.
Norment, R. M.	Lumberton,	Robeson.
Oaksmith Appleton	Hollywood,	Carteret.
Page, M. W.	Morrisville,	Wake.
Parker, Solomon	Murfreesboro',	Hertford.
Parrott, I. F.	Kinston,	Lenoir.
Patton, M.	Asheville,	Buncombe,
Pinnix, M. H.	Lexington,	Davidson.
Presson, Lemnel	Monroe,	Union.

MEMBERS OF THE HOUSE.	POST OFFICE.	COUNTY.
Proffitt, W. W.	Ball Creek,	Yancey.
Reid, J. Sol.	Providence,	Mecklenburg.
Richardson, V. V.	Whitesville,	Columbus.
Scott, J. F.	Trenton,	Jones.
Shackelford, John W.	Richland,	Onslow.
Sharpe, A. C.	Fancy Hill,	Iredell.
Smith, W. E.	Morven,	Anson.
Smith, A. J.	Gladesville,	Hyde.
Spears, John A.	Lillington,	Harnett.
Staples, John N.	Greensbore',	Guilford.
Staton, Jos. S.	Tarboro',	Pitt.
Stephenson, L. D.	Raleigh,	Wake.
Stowe, W. A.	Pin Hook,	Gaston.
Strong, George V.	Raleigh,	Wake.
Tate, S. McD.	Morganton,	Burke.
Thompson, W. A.	Aurora,	Beaufort.
Thompson, W. A.	North Brook,	Lincoln.
Thorne, J. Williams	Ridgeway,	Warren.
Trivett, Squire	Jefferson,	Ashe.
Walden, R. J.	Jacksonville,	Northampton.
Walker, P. D.	Rockingham,	Richmond.
Walker, W. W.	Columbia,	Tyrrell.
Ward, W. T.	Windsor,	Bertie.
Wells, W. B.	Rose Hill,	Duplin.
Wheeler, W. H.	Winston,	Forsythe.
Whisnant, Eli	First Broad,	Rutherford.
White, John A.	Scotland Neck,	Halifax.
Whitley, Michael	Wakefield,	Wake.
Wiley, G. B.	Plymouth,	Washington.
Woodhouse, J. M.	Poplar Branch,	Carrituck.
Wood, J. Q. A.	Woodville,	Perquimans.
Young, Moses	Bakersville,	Mitchell.

During the session, Mr. J. L. Barrett died. Mr. Williams, from Warren, died, and was succeeded by J. Williams Thorne, who was afterwards expelled.

# HOUSE RULES OF ORDER.

The Select Committee on Rules beg leave to submit the following Report of Rules and Order of conducting the business in the House of Representatives:

#### TOUCHING THE DUTY OF THE SPEAKER.

- 1. It shall be the duty of the Speaker to invite the pastors of the several churches of this city, and other preachers of the Gospel, under such arrangements as they may make among themselves, to perform the service of prayer at the opening of the daily sessions of the House.
- 2. He shall take the Chair every day precisely at the hour to which the House, on the preceding day adjourned; shall immediately call the members to order, and on the appearance of a quorum, cause the Journal of the preceding day to be read.
- 3. He shall preserve order and decorum, may speak to points of order in preference to other members, rising from his seat for that purpose, and shall decide questions of order subject to an appeal to the House by any member, on which appeal no member shall speak more than once, unless by leave of the House.
  - 4. He shall rise to put a question, but may state it sitting.
- 5. Questions shall be put in this form, namely: "As many as are of the opinion that, (as the question may be,) will say aye," and after the affirmative voice has been expressed, "as many as are of the contrary opinion, will say no." Upon a call for a division, the Speaker shall count; if required, he shall appoint tellers.

- 6. The Speaker shall examine and correct the Journal before it is read. He shall have a general direction of the Hall. He shall have a right to name any member to perform the duties of the Chair; but such substitution shall not extend beyond one day, except in case of sickness, or by leave of the House.
- 7. All committees shall be appointed by the Speaker, unless otherwise specially ordered by the House.
- 8. In all elections the Speaker may vote. In other cases he shall not vote, unless the House be equally divided; in case of such equal division, he shall decide the question.
- 9. All acts, addresses and joint resolutions shall be signed by the Speaker; and all writs, warrants and subpænas, issued by order of the House, shall be under his hand and seal; attested by the Clerk.
- 10. In case of any disturbance or disorderly conduct in the galleries or lobby, the Speaker, (or Chairman of the Committee of the Whole) shall have power to order the same to be cleared.
- 11. No person, except members of the Senate, officers and clerks of the two Houses of the General Assembly, Judges of the Supreme and Superior Courts, officers of the State resident at the seat of Government, members of Congress, persons particularly invited by the Speaker or some member, and such gentlemen as have been members of either House of the Legislature, or of a Convention of the people of the State, shall be admitted within the hall of the House.
- 12. Reporters wishing to take down debates may be admitted by the Speaker, who shall assign such places to them on the floor or elsewhere to effect their object as shall not interfere with the convenience of the House.

#### ORDER OF BUSINESS OF THE DAY.

13. After the reading of the Journal of the preceding day, the House shall proceed to business in the following order, viz:

- 1. The receiving of petitions, memorials and papers addressed either to the General Assembly, or to the House.
  - 2. The reports of Standing Committees.
  - 3. The reports of Select Committees.
  - 4. Resolutions.
  - 5. Bills.
- 6. Bills, resolutions, petitions, memorials, messages, and other papers on the calendar, then the orders of the day; but motions and messages to elect officers shall always be in order.

#### ON DECORUM AND DEBATE.

- 14. When any member is about to speak in debate, or deliver any matter to the House, he shall rise from his seat and respectfully address the Speaker.
- 15. When the Speaker shall call a member to order, the member shall sit down; as also he shall when called to order by another member, unless the Speaker decide the point of order in his favor. By leave of the House, a member called to order may clear a matter of fact, or explain, but shall not proceed in debate so long as the decision stands, but by permission of the House. Any member may appeal from the decision of the Chair, and if, upon the appeal, the decision be in favor of the member called to order, he may proceed; if otherwise, he shall not, except by leave of the House; and if the case, in the judgment of the House requires it, he shall be liable to its censure.
- 16. When two or more members rise at the same time, the Speaker shall name the member to speak.
- 17. No member shall speak more than twice on the same question, not more than thirty minutes upon a main question, and not more than ten minutes upon an amendment, or motion to commit or postpone, without leave of the House.
- 18. Whilst the Speaker is putting any question, or addressing the House, no person shall speak, stand up, walk out, or

across the House; nor when a member is speaking entertain private discourse, stand up, or pass between him and the Chair.

- 19. No member shall vote on any question in the case where he was not present when the question was put by the Speaker, except by consent of the House. Upon a division and count of the House on any question, no member without the bar shall be counted.
- 20. Every member who shall be in the hall of the House when the question is put, shall give his vote, unless the House, for special reasons, shall excuse him, and no application to be excused from voting, or to explain a vote, shall be entertained unless made before the call of the roll.
- 21. When a motion is made and seconded, it shall be stated by the Speaker; or, if written, it shall be handed to the Chair and read aloud by the Speaker or Clerk before debated.
- 22. Every motion shall be reduced to writing, if the Speaker or any two members desire it.
- 23. After a motion is stated by the Speaker, or read by the Clerk, it shall be deemed to be in possession of the House, but may be withdrawn before a decision or amendment, except in case of a motion to reconsider, which motion, when made by a member, shall be deemed and taken to be in possession of the House, and shall not be withdrawn without leave of the House.
- 24. When a question is under debate, no motion shall be received but to adjourn, to lay on the table, to postpone indefinitely, to postpone to a certain day, to commit or amend, which several motions shall have precedence in the order they stand arranged, and no motion to lay on the table, to postpone indefinitely, to postpone to a day certain, to commit or amend, being decided, shall be again allowed on the same day, and at the same stage of the bill or proposition.
- 25. A motion to adjourn, or lay on the table, shall be decided without debate; and a motion to adjourn shall always be in order, except when the House is voting, or some member is speaking.

- 26. When a question is postponed indefinitely, the same shall not be acted on again during the session.
- 27. Any member may call for a division of the question when the same shall admit of it, which shall be determined by the Speaker.
- 28. When a motion has been once made and carried in the affirmative or negative, it shall be in order for any member of the majority to move for the reconsideration thereof, on the same or succeeding day, unless it may have already passed the Senate, and no motion to reconsider shall be taken from the table except by a two-thirds vote.
- 29. When the reading of a paper is called for, which has been read in the House, and the same is objected to by any member, it shall be determined by a vote of the House.
- 30. Petitions, memorials, and other papers addressed to the House, shall be presented by the Speaker, or by a member in his place; a brief a statement of the contents thereof shall verbally be made by the introducer, and shall not be debated or decided on the day of their being first read, unless the House shall direct otherwise, but shall lie on the table, to be taken up in the order they were read.
- 31. When the ayes and noes are called for on any question it shall be on motion before the question is put, and if seconded by one-fifth of the members present, the question shall be decided by the ayes and noes; and in taking the ayes and noes, or on a call of the House, the names of the members will be taken alphabetically.
- 32. Decency of speech shall be observed, and personal reflections carefully avoided.
- 33. Any fifteen members, including the Speaker, shall be authorized to compel the attendance of absent members.
- 34. No member or officer of the House shall absent himself from the service of the House, without leave, unless from sickness or inability.
  - 35. Any member may excuse himself from serving on any

committee at the time of his appointment, if he is a member of two standing committees,

- 36. If any member shall be necessarily absent on any temporary business of the House, when the vote is taken on any question, upon entering the House, he shall be permitted, on motion, to vote.
- 37. No standing rule or order shall be rescinded or altered without one day's notice given of the motion thereof; and to sustain such motion, two-thirds of the House shall be required.
- 38. The members of this House shall uncover their heads upon entering the Hall, whilst the House is in session, and shall continue so uncovered during their continuance in the Hall, except Quakers.

#### COMMITTEES.

- 39. At the commencement of the session a Standing Committee shall be appointed on each of the following subjects, viz: On Propositions and Grievances; on Claims; on Privileges and Elections; on Judiciary; on Internal Improvements; on Finance; on Agriculture, Mechanics and Mining; on Education; on Penal Institutions; on Engrossed Bills; on Counties, Cities, Towns and Townships; on Immigration; on Corporations; on Railroads, Post Roads and Turnpikes; on Salaries and Fees, and on Military Affairs; to be appointed by the Speaker, and the first announced on each committee shall be Chairman. In addition to the above Standing Committees the Speaker shall appoint another—two members from each Judicial District—to be denominated the Committee on Private Bills.
- 40. In forming a Committee of the whole House, the Speaker shall leave the chair, and a Chairman to preside in Committee shall be appointed by the Speaker.
- 41. Upon bills committed to a Committee of the whole House, the bill shall be first read throughout by the Clerk, and then again read and debated by sections, leaving the preamble

to be last considered; the body of the bill shall not be defaced or interlined; but all amendments, noting the page and line, shall be duly entered by the Clerk, on a separate paper, as the same shall be agreed to by the Committee, and so reported to the House. After report, the bill shall again be subject to be debated and amended by sections, before a question on its passage be taken.

42. All questions, whether in Committee or in the House shall be propounded in the order in which they were moved.

43. The rules of proceeding in the House shall be observed in a Committee of the whole House, so far as they may be applicable, except the rule limiting the time of speaking and the previous question.

44. In a Committee of the whole House, a motion that the Committee rise shall always be in order, except when a member is speaking, and shall be decided without debate.

## ON BILLS, RESOLUTIONS, &C.

45. Every bill shall be introduced by motion for leave, or by order of the House, on the report of a Committee.

46. Every bill shall receive three several readings in the House previous to its passage, and the Speaker shall give notice at each whether it be its first, second or third. The first reading of a bill shall be for information. If no opposition be made, the bill shall go to its second reading without question.

47. Upon the second reading of the bill, the Speaker shall state it as reading for commitment or amendment.

48. The Speaker shall refer all bills and resolutions upon their introduction to the appropriate committee, unless otherwise ordered.

49. The Clerk of the House shall keep a separate calendar of the public and private bills, and shall number them in the order in which they are introduced, and all bills shall be disposed of in the order they stand upon the calendar, except otherwise specially ordered. No public bill shall be twice read on

the same day without the concurrence of two-thirds of the members present.

- 50. All resolutions which may grant money out of the Treasury, or such as shall be of a public nature, shall be treated in all respects in a similar manner with public bills.
- 51. The Clerk of the House shall be deemed to continue in office until another is appointed.
- 52. Upon a motion of any member, there shall be a call of the House, a majority of the members present assenting thereto; and upon a call of the House, the names of the members shall be called over by the Clerk, and the absentees noted; after which the names of the absentees shall again be called over. The doors shall then be closed and those from whom no excuse, or insufficient excuses are made, may, by order of those present, if fifteen in number, be taken into custody as they appear, or may be sent for, and taken into custody wherever to be found, by special messenger appointed for that purpose.

#### PREVIOUS QUESTION.

- 53. The previous question shall be as follows: "Shall the main question be now put?" and until it is decided shall preclude all amendments and debates. If this question shall be decided in the affirmative, the "main question" shall be on the passage of the bill, resolution or other matter under consideration; but when amendments are pending, the question shall be taken upon such amendments in their order without further debate or amendment. If such question be decided in the negative, the main question shall be considered as remaining under debate: *Provided*, That no one shall move the previous question, except the chairman of a committee, whose report is under consideration, the mover of a resolution or bill, or the author of a minority report.
- 54. When a motion for the previous question is made, and pending the second thereto by a majority, debate shall cease, but if any member obtain the floor, he may move to lay the

matter under consideration on the table, or move an adjournment, and when both or either of these motions is pending, the question shall stand:

1st. Previous question.

2d. To adjourn.

3d. Lay on the table.

And then upon the main question, or amendments, or the motions to postpone indefinitely, postpone to a day certain, to commit or amend, in the order of their precedence, until the main question is reached or disposed of; but after the previous question has been called by a majority, no motion, amendment or debate shall be in order.

All motions below the motion to lay on the table must be made prior to a motion for the previous question; but pending and not after the second therefor by the majority of the House a motion to adjourn or lay on the table, or both, are in order. This constitutes the precedence of the motion to adjourn and lay on the table over other motions, in rule twenty-five.

Motions stand as follows, in order of precedence, in Rule 25.

Adjourn.

Lay on the table.

Previous question.

Postpone indefinitely.

Postpone definitely.

To commit or amend.

When the previous question is called, all motions below it fall, unless made prior to the call, and all motions above it fall after its second by a majority required. Pending the second the motions to adjourn and lay on the table are in order, but not after a second. When in order, and every motion is before the House, the question stands as follows:

Previous question.

Adjourn.

Lay on the table.

Postpone indefinitely.

Postpone definitely.

To commit.

Amendment to amendment.

Amendment.

Substitute.

Bill.

The previous question covers all other motions when seconded by a majority of the House, and proceeds by regular gradation to the main question, without debate, amendment or motion until such question is reached or disposed of.

# JOINT RULES OF ORDER.

- 1. Each House shall transmit to the other all papers on which any bill or resolution shall be forwarded.
- 2. When a bill or resolution which shall have passed in one House, shall be rejected in the other, notice thereof shall be given to the House in which the same may have passed.
- 3. Messages from one House to the other, shall be communicated by their clerks respectively, unless the House transmitting the message shall specially direct otherwise.
- 4. It shall be in the power of either House to amend any amendment made by the other, to any bill or resolution.
- 5. In every case of difference between the two Houses, upon any subject of legislation, either House may request a conference, and appoint a committee for the purpose, and the other shall also appoint a committee to confer. The committee shall meet at such time and place as shall be appointed by the chairman of the committee, on the part of the House requesting such committee. The conferees shall state to each other verbally, or in writing, as either shall choose, the views of their respective Houses, and confer freely thereon. The committee shall report in writing, and shall be authorized to report such modifications or amendments as they may think advisable. But no committee of conference shall consider or report on any matters, except those directly at issue between the two Houses. The papers shall be left with the conferees of the House assenting to such conference, and they shall present the report of the committee to their House; when such House shall have acted thereon, they shall transmit the same and the papers relating thereto, to the other with a message certifying its action thereon.

- 6. It shall be in order for either House to recede from any subject matter of difference existing between the two Houses, at any time previous to conference, whether the papers on which such difference arose, are before the House receding formally or informally, and on such vote to recede, the same number shall be required to constitute a quorum to act thereon and to assent to such receding, as was required on the original question out of which the difference arose.
- 7. All joint committees of the two Houses, and all committees of conference shall consist of three Senators and five members of the House of Representatives, unless otherwise specially ordered by concurrent resolution.
- 8. There shall be printed on joint order, unless otherwise specified, two hundred and twenty copies of all messages from the Governor, all reports of standing or select committees, and all reports or communications made in pursuance of law.
- 9. When the same document shall, by separate orders, be directed to be printed by both Houses, it shall be regarded as but one joint order, unless otherwise expressly directed by either House.
- 10. The Clerk of each House shall receive from the Public Printer all matter ordered by their respective Houses, and shall keep a book and enter therein the time of reception by him, of every such bill or document, and the number of copies received, and shall cause each and any of such bills or documents to be immediately placed upon the desks of the members.
- 11. The two hundred and twenty copies of messages from the Governor, reports of committees, and reports or communications made in pursuance of law, ordered to be printed by section eight, shall be distributed as follows: to the Senate, seventy copies; to the House of Representatives, one hundred and fifty copies.
- 12. There shall be joint standing committees, consisting of three members of the Senate, and five members of the House of Representatives, on the following subjects:

- 1. On Public Buildings and Grounds.
- 2. On Library.
- 3. On Deaf, Dumb'and Blind Asylum.
- 4. On Insane Asylum.
- 5. On Enrolled Bills.
- 6. On Penal Institutions.
- 7. On Printing.
- 8. Banks and Currency.
- 9. Insurance.

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